

No. WD83962

**IN THE
MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**BARBARA PIPPENS, *et al.*,
Respondents,**

v.

**JOHN R. ASHCROFT, *et al.*,
Appellants.**

**Appeal from the Circuit Court of Cole County
The Honorable Patricia S. Joyce**

RESPONDENTS' APPENDIX

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SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE NO. 3 FOR

SENATE JOINT RESOLUTION NO. 38

100TH GENERAL ASSEMBLY

2020

4110S.08T

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 2, 3, and 7 of article III of the Constitution of Missouri, and adopting three new sections in lieu thereof relating to regulating the legislature to limit the influence of partisan or other special interests.

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 Tuesday next following the first Monday in November, 2020, 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Section A. Sections 2, 3, and 7, article III, Constitution of Missouri, are repealed and three new sections adopted in lieu thereof, to be known as sections 2, 3, and 7, to read as follows:

Section 2. (a) After December 6, 2018, no person serving as a member of or employed by the general assembly shall act or serve as a paid lobbyist, register as a paid lobbyist, or solicit prospective employers or clients to represent as a paid lobbyist during the time of such service until the expiration of two calendar years after the conclusion of the session of the general assembly in which the member or employee last served and where such service was after December 6, 2018.

(b) No person serving as a member of or employed by the general assembly shall accept directly or indirectly a gift of any tangible or intangible item, service, or thing of value from any paid lobbyist or lobbyist principal [in excess of five dollars per occurrence]. This Article shall not prevent candidates

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

12 for the general assembly, including candidates for reelection, or candidates for
13 offices within the senate or house from accepting campaign contributions
14 consistent with this Article and applicable campaign finance law. Nothing in this
15 section shall prevent individuals from receiving gifts, family support or anything
16 of value from those related to them within the fourth degree by blood or
17 marriage. [The dollar limitations of this section shall be increased or decreased
18 each year by the percentage of increase or decrease from the end of the previous
19 calendar year of the Consumer Price Index, or successor index as published by the
20 U.S. Department of Labor, or its successor agency, and rounded to the nearest
21 dollar amount.]

22 (c) The general assembly shall make no law authorizing unlimited
23 campaign contributions to candidates for the general assembly, nor any law that
24 circumvents the contribution limits contained in this Constitution. In addition
25 to other campaign contribution limitations or restrictions provided for by law, the
26 amount of contributions made to or accepted by any candidate or candidate
27 committee from any person other than the candidate in any one election [for the
28 general assembly] **to the office of state representative or state senator**
29 shall not exceed the following:

30 (1) To elect an individual to the office of state senator, two thousand [five]
31 **four** hundred dollars; and

32 (2) To elect an individual to the office of state representative, two
33 thousand dollars.

34 The contribution limits and other restrictions of this section shall also
35 apply to any person exploring a candidacy for [a public office listed in this
36 subsection] **the office of state representative or state senator**.

37 [For purposes of this subsection, "base year amount" shall be the
38 contribution limits prescribed in this section. Contribution limits set forth herein
39 shall be adjusted on the first day of January in each even-numbered year
40 hereafter by multiplying the base year amount by the cumulative Consumer Price
41 Index and rounded to the nearest dollar amount, for all years after 2018.]

42 (d) No contribution to a candidate for legislative office shall be made or
43 accepted, directly or indirectly, in a fictitious name, in the name of another
44 person, or by or through another person in such a manner as to, or with the
45 intent to, conceal the identity of the actual source of the contribution. There shall
46 be a rebuttable presumption that a contribution to a candidate for public office
47 is made or accepted with the intent to circumvent the limitations on contributions

48 imposed in this section when a contribution is received from a committee or
49 organization that is primarily funded by a single person, individual, or other
50 committee that has already reached its contribution limit under any law relating
51 to contribution limitations. A committee or organization shall be deemed to be
52 primarily funded by a single person, individual, or other committee when the
53 committee or organization receives more than fifty percent of its annual funding
54 from that single person, individual, or other committee.

55 (e) In no circumstance shall a candidate be found to have violated limits
56 on acceptance of contributions if the Missouri ethics commission, its successor
57 agency, or a court determines that a candidate has taken no action to indicate
58 acceptance of or acquiescence to the making of an expenditure that is deemed a
59 contribution pursuant to this section.

60 (f) No candidate shall accept contributions from any federal political
61 action committee unless the committee has filed the same financial disclosure
62 reports that would be required of a Missouri political action committee.

Section 3. (a) [There is hereby established the post of "Nonpartisan State
2 Demographer". The nonpartisan state demographer shall acquire appropriate
3 information to develop procedures in preparation for drawing legislative
4 redistricting maps on the basis of each federal census for presentation to the
5 house apportionment commission and the senatorial apportionment commission.

6 (b) The nonpartisan state demographer shall be selected through the
7 following process. First, state residents may apply for selection to the state
8 auditor using an application developed by the state auditor to determine an
9 applicant's qualifications and expertise relevant to the position. Second, the state
10 auditor shall deliver to the majority leader and minority leader of the senate a
11 list of at least three applicants with sufficient expertise and qualifications, as
12 determined by the state auditor, to perform the duties of the nonpartisan state
13 demographer. Third, if the majority leader and minority leader of the senate
14 together agree that a specific applicant should be selected to be the nonpartisan
15 state demographer, that applicant shall be selected and the selection process shall
16 cease. Fourth, if the majority leader and minority leader of the senate cannot
17 together agree on an applicant, they may each remove a number of applicants on
18 the state auditor's list equal to one-third of the total number of applicants on that
19 list, rounded down to the next integer, and the state auditor shall then conduct
20 a random lottery of the applicants remaining after removal to select the
21 nonpartisan state demographer. The state auditor shall prescribe a time frame

22 and deadlines for this application and selection process that both encourages
23 numerous qualified applicants and avoids delay in selection. The nonpartisan
24 state demographer shall serve a term of five years and may be reappointed. To
25 be eligible for the nonpartisan state demographer position, an individual shall not
26 have served in a partisan, elected position for four years prior to the
27 appointment. The nonpartisan state demographer shall be disqualified from
28 holding office as a member of the general assembly for four years following the
29 date of the presentation of his or her most recent legislative redistricting map to
30 the house apportionment commission or the senatorial apportionment
31 commission.

32 (c) The house of representatives shall consist of one hundred sixty-three
33 members elected at each general election and [apportioned] **redistricted** as
34 provided in this section.

35 [(1)] **(b)** [Within ten days after the population of this state is reported
36 to the President for each decennial census of the United States or, in the event
37 that a reapportionment has been invalidated by a court of competent jurisdiction,
38 within ten days after such a ruling has been made, the nonpartisan state
39 demographer] **The house independent bipartisan citizens commission**
40 shall [begin the preparation of legislative districting plans and maps] **redistrict**
41 **the house of representatives** using the following methods, listed in order of
42 priority:

43 [a.] **(1)** Districts shall be [established on the basis of total] **as nearly**
44 **equal as practicable in population**[. Legislative districts shall each have a
45 total population as nearly equal as practicable to the ideal population for such
46 districts, determined by dividing the number of districts to be established into the
47 total population of the state reported in the federal decennial census], **and shall**
48 **be drawn on the basis of one person, one vote. Districts are as nearly**
49 **equal as practicable in population if no district deviates by more than**
50 **one percent from the ideal population of the district, as measured by**
51 **dividing the number of districts into the statewide population data**
52 **being used, except that a district may deviate by up to three percent if**
53 **necessary to follow political subdivision lines consistent with**
54 **subdivision (4) of this subsection;**

55 [b.] **(2)** Districts shall be established in a manner so as to comply with
56 all requirements of the United States Constitution and applicable federal laws,
57 including, but not limited to, the Voting Rights Act of 1965 (as

58 amended). [Notwithstanding any other provision of this Article, districts shall
59 not be drawn with the intent or result of denying or abridging the equal
60 opportunity of racial or language minorities to participate in the political process
61 or diminishing their ability to elect representatives of their choice, whether by
62 themselves or by voting in concert with other persons.] **The following**
63 **principles shall take precedence over any other part of this**
64 **constitution: no district shall be drawn in a manner which results in a**
65 **denial or abridgment of the right of any citizen of the United States to**
66 **vote on account of race or color; and no district shall be drawn such**
67 **that members of any community of citizens protected by the preceding**
68 **clause have less opportunity than other members of the electorate to**
69 **participate in the political process and to elect representatives of their**
70 **choice;**

71 [Districts shall be designed in a manner that achieves both partisan
72 fairness and, secondarily, competitiveness. "Partisan fairness" means that parties
73 shall be able to translate their popular support into legislative representation
74 with approximately equal efficiency. "Competitiveness" means that parties'
75 legislative representation shall be substantially and similarly responsive to shifts
76 in the electorate's preferences.

77 To this end, the nonpartisan state demographer shall calculate the average
78 electoral performance of the two parties receiving the most votes in the three
79 preceding elections for governor, for United States Senate, and for President of
80 the United States. This index shall be defined as the total votes received by each
81 party in the three preceding elections for governor, for United States Senate, and
82 for President of the United States, divided by the total votes cast for both parties
83 in these elections. Using this index, the nonpartisan state demographer shall
84 calculate the total number of wasted votes for each party, summing across all of
85 the districts in the plan. "Wasted votes" are votes cast for a losing candidate or
86 for a winning candidate in excess of the fifty percent threshold needed for victory.
87 In any plan of apportionment and map of the proposed districts submitted to the
88 respective apportionment commission, the nonpartisan state demographer shall
89 ensure the difference between the two parties' total wasted votes, divided by the
90 total votes cast for the two parties, is as close to zero as practicable.

91 To promote competitiveness, the nonpartisan state demographer shall use
92 the electoral performance index to simulate elections in which the hypothetical
93 statewide vote shifts by one percent, two percent, three percent, four percent, and

94 five percent in favor of each party. The vote in each individual district shall be
95 assumed to shift by the same amount as the statewide vote. The nonpartisan
96 state demographer shall ensure that, in each of these simulated elections, the
97 difference between the two parties' total wasted votes, divided by the total votes
98 cast for the two parties, is as close to zero as practicable;

99 c.] (3) Subject to the requirements of [paragraphs a. and b. of this
100 subdivision] **subdivisions (1) and (2) of this subsection**, districts shall be
101 composed of contiguous territory **as compact as may be**. Areas which meet
102 only at the points of adjoining corners are not contiguous. **In general, compact**
103 **districts are those which are square, rectangular, or hexagonal in shape**
104 **to the extent permitted by natural or political boundaries;**

105 [d.] (4) To the extent consistent with [paragraphs a. to c. of this
106 subdivision, district boundaries shall coincide with the boundaries of political
107 subdivisions of the state. The number of counties and cities divided among more
108 than one district shall be as small as possible. When there is a choice between
109 dividing local political subdivisions, the more populous subdivisions shall be
110 divided before the less populous, but this preference shall not apply to a
111 legislative district boundary drawn along a county line which passes through a
112 city that lies in more than one county] **subdivisions (1) to (3) of this**
113 **subsection, communities shall be preserved. Districts shall satisfy this**
114 **requirement if district lines follow political subdivision lines to the**
115 **extent possible, using the following criteria, in order of priority. First,**
116 **each county shall wholly contain as many districts as its population**
117 **allows. Second, if a county wholly contains one or more districts, the**
118 **remaining population shall be wholly joined in a single district made**
119 **up of population from outside the county. If a county does not wholly**
120 **contain a district, then no more than two segments of a county shall be**
121 **combined with an adjoining county. Third, split counties and county**
122 **segments, defined as any part of the county that is in a district not**
123 **wholly within that county, shall each be as few as possible. Fourth, as**
124 **few municipal lines shall be crossed as possible;**

125 [e. Preference shall be that districts are compact in form, but the
126 standards established by paragraphs a. to d. of this subdivision take precedence
127 over compactness where a conflict arises between compactness and these
128 standards. In general, compact districts are those which are square, rectangular,
129 or hexagonal in shape to the extent permitted by natural or political boundaries.]

130 (5) Districts shall be drawn in a manner that achieves both
131 partisan fairness and, secondarily, competitiveness, but the standards
132 established by subdivisions (1) to (4) of this subsection shall take
133 precedence over partisan fairness and competitiveness. "Partisan
134 fairness" means that parties shall be able to translate their popular
135 support into legislative representation with approximately equal
136 efficiency. "Competitiveness" means that parties' legislative
137 representation shall be substantially and similarly responsive to shifts
138 in the electorate's preferences.

139 To this end, the average electoral performance of the two
140 political parties receiving the most votes in the three preceding general
141 elections for governor, for United States Senate, and for President of
142 the United States shall be calculated. This index shall be defined as the
143 total votes received by each party in the three preceding general
144 elections for governor, for United States Senate, and for President of
145 the United States, divided by the total votes cast for both parties in
146 these elections. Using this index, the total number of wasted votes for
147 each party, summing across all of the districts in the plan shall be
148 calculated. "Wasted votes" are votes cast for a losing candidate or for
149 a winning candidate in excess of the threshold needed for victory. In
150 any redistricting plan and map of the proposed districts, the difference
151 between the two parties' total wasted votes, divided by the total votes
152 cast for the two parties, shall not exceed fifteen percent.

153 To promote competitiveness, the electoral performance index
154 shall be used to simulate elections in which the hypothetical statewide
155 vote shifts by one percent, two percent, three percent, four percent, and
156 five percent in favor of each party. The vote in each individual district
157 shall be assumed to shift by the same amount as the statewide vote. In
158 each of these simulated elections, the difference between the two
159 parties' total wasted votes, divided by the total votes cast for the two
160 parties, shall not exceed fifteen percent.

161 [(2)] (c) Within sixty days after the population of this state is reported
162 to the President for each decennial census of the United States or, in the event
163 that a [reapportionment] **redistricting plan** has been invalidated by a court of
164 competent jurisdiction, within sixty days that such a ruling has been made, **the**
165 **state committee and** the congressional district [committee] **committees** of
166 each of the two **political** parties casting the highest vote for governor at the last

167 preceding **general** election shall meet and the members of [the] **each** committee
168 shall nominate, by a majority vote of the **elected** members of the committee
169 present, provided that a majority of the elected members is present, [two]
170 members of their party, residents in that district, **in the case of a**
171 **congressional district committee**, as nominees for [reapportionment
172 commissioners] **the house independent bipartisan citizens**
173 **commission**. [Neither] **No** party shall select more than one nominee from any
174 one state legislative district. The congressional **district** committees shall each
175 submit to the governor their list of **two** elected nominees. **The state**
176 **committees shall each submit to the governor their list of five elected**
177 **nominees**. Within thirty days **thereafter**, the governor shall appoint a **house**
178 **independent bipartisan citizens** commission consisting of one [name]
179 **nominee** from each list **submitted by each congressional district**
180 **committee and two nominees from each list submitted by each state**
181 **committee** to [reapportion] **redistrict** the state into one hundred and
182 sixty-three representative districts and to establish the numbers and boundaries
183 of said districts. **No person shall be appointed to both the house**
184 **independent bipartisan citizens commission and the senate**
185 **independent bipartisan citizens commission during the same**
186 **redistricting cycle**.

187 If any [of the congressional committees] **committee** fails to submit a list
188 within such time, the governor shall appoint a member of his **or her** own choice
189 [from that district and] from the political party of the committee failing to [make
190 the appointment] **submit a list, provided that in the case of a**
191 **congressional district committee failing to submit a list, the person**
192 **appointed to the commission by the governor shall reside in the**
193 **congressional district of such committee**.

194 Members of the commission shall be disqualified from holding office as
195 members of the general assembly for four years following the date of the filing by
196 the commission of its final [statement of apportionment] **redistricting plan**.

197 For the purposes of this Article, the term congressional district committee
198 or congressional district refers to the congressional district committee or the
199 congressional district from which a congressman was last elected, or, in the event
200 members of congress from this state have been elected at large, the term
201 congressional district committee refers to those persons who last served as the
202 congressional district committee for those districts from which congressmen were

203 last elected, and the term congressional district refers to those districts from
204 which congressmen were last elected. Any action pursuant to this section by the
205 congressional district committee shall take place only at duly called meetings,
206 shall be recorded in their official minutes and only members present in person
207 shall be permitted to vote.

208 [(3) Within six months after the population of this state is reported to the
209 President for each decennial census of the United States or, in the event that a
210 reapportionment has been invalidated by a court of competent jurisdiction, within
211 six months after such a ruling has been made, the nonpartisan state demographer
212 shall make public and file with the secretary of state and with the house
213 apportionment commission a tentative plan of apportionment and map of the
214 proposed districts, as well as all demographic and partisan data used in the
215 creation of the plan and map.]

216 (d) The commissioners so selected shall, [within ten days of receiving the
217 tentative plan of apportionment and map of the proposed districts,] **on the**
218 **fifteenth day, excluding Sundays and state holidays, after all members**
219 **have been appointed**, meet in the capitol building and proceed to organize by
220 electing from their number a chairman, vice chairman and secretary. The
221 commission shall adopt an agenda establishing at least three hearing dates on
222 which hearings open to the public shall be held to hear objections or testimony
223 from interested persons. A copy of the agenda shall be filed with the clerk of the
224 house of representatives within twenty-four hours after its adoption. Executive
225 meetings may be scheduled and held as often as the commission deems advisable.

226 [The commission may make changes to the tentative plan of apportionment
227 and map of the proposed districts received from the nonpartisan state
228 demographer provided that such changes are consistent with this section and
229 approved by a vote of at least seven-tenths of the commissioners. If no changes
230 are made or approved as provided for in this subsection, the tentative plan of
231 apportionment and map of proposed districts shall become final. Not later than
232 two months of receiving the tentative plan of apportionment and map of the
233 proposed districts, the commission shall file with the secretary of state a final
234 statement of the numbers and the boundaries of the districts together with a map
235 of the districts.]

236 (e) **Not later than five months after the appointment of the**
237 **commission, the commission shall file with the secretary of state a**
238 **tentative redistricting plan and map of the proposed districts and**

239 during the ensuing fifteen days shall hold such public hearings as may
240 be necessary to hear objections or testimony of interested persons. The
241 commission shall make public the tentative redistricting plan and map
242 of the proposed districts, as well as all demographic and partisan data
243 used in the creation of the plan and map.

244 (f) Not later than six months after the appointment of the
245 commission, the commission shall file with the secretary of state a final
246 statement of the numbers and the boundaries of the districts together
247 with a map of the districts, and no statement shall be valid unless
248 approved by at least seven-tenths of the members.

249 (g) After the final statement is filed, members of the house of
250 representatives shall be elected according to such districts until a new
251 redistricting plan is made as provided in this section, except that if the
252 final statement is not filed within six months of the time fixed for the
253 appointment of the commission, the commission shall stand discharged
254 and the house of representatives shall be redistricted using the same
255 methods and criteria as described in subsection (b) of this section by
256 a commission of six members appointed from among the judges of the
257 appellate courts of the state of Missouri by the state supreme court, a
258 majority of whom shall sign and file its redistricting plan and map with
259 the secretary of state within ninety days of the date of the discharge of
260 the house independent bipartisan citizens commission. The judicial
261 commission shall make public the tentative redistricting plan and map
262 of the proposed districts, as well as all demographic and partisan data
263 used in the creation of the plan and map. Thereafter, members of the
264 house of representatives shall be elected according to such districts
265 until a redistricting plan is made as provided in this section.

266 (h) Each member of the commission shall receive as compensation fifteen
267 dollars a day for each day the commission is in session but not more than one
268 thousand dollars, and, in addition, shall be reimbursed for his or her actual and
269 necessary expenses incurred while serving as a member of the commission.

270 (i) No [reapportionment] redistricting plan shall be subject to the
271 referendum.

272 (j) Any action expressly or implicitly alleging that a redistricting
273 plan violates this Constitution, federal law, or the United States
274 Constitution shall be filed in the circuit court of Cole County and shall
275 name the body that approved the challenged redistricting plan as a

276 defendant. Only an eligible Missouri voter who sustains an individual
277 injury by virtue of residing in a district that exhibits the alleged
278 violation, and whose injury is remedied by a differently drawn district,
279 shall have standing. If the court renders a judgment in which it finds
280 that a completed redistricting plan exhibits the alleged violation, its
281 judgment shall adjust only those districts, and only those parts of
282 district boundaries, necessary to bring the map into compliance. The
283 supreme court shall have exclusive appellate jurisdiction upon the
284 filing of a notice of appeal within ten days after the judgment has
285 become final.

Section 7. (a) [Within ten days after the population of this state is
2 reported to the President for each decennial census of the United States or, in the
3 event that a reapportionment has been invalidated by a court of competent
4 jurisdiction, within ten days after such a ruling has been made, the nonpartisan
5 state demographer authorized in Article III, Section 3 shall begin the preparation
6 of senatorial districting plans and maps using the same methods and criteria as
7 those required by Article III, Section 3 for the establishment of districts for the
8 house of representatives.

9 (b)] Within sixty days after the population of this state is reported to the
10 President for each decennial census of the United States, or within sixty days
11 after a [reapportionment] **redistricting plan** has been invalidated by a court
12 of competent jurisdiction, the state committee **and the congressional district**
13 **committees** of each of the two political parties casting the highest vote for
14 governor at the last preceding **general** election shall[, at a committee meeting
15 duly called, select by a vote of the individual committee members, and thereafter
16 submit to the governor a list of ten persons, and] **meet and the members of**
17 **each committee shall nominate, by a majority vote of the elected**
18 **members of the committee present, provided that a majority of the**
19 **elected members is present, members of their party, residents in that**
20 **district, in the case of a congressional district committee, as nominees**
21 **for the senate independent bipartisan citizens commission. No party**
22 **shall select more than one nominee from any one state legislative**
23 **district. The congressional district committees shall each submit to the**
24 **governor their list of two elected nominees. The state committees shall**
25 **each submit to the governor their list of five elected nominees. Within**
26 thirty days thereafter the governor shall appoint a **senate independent**

27 **bipartisan citizens** commission **consisting** of [ten members, five] **two**
28 **nominees** from each list **submitted by each state committee and one**
29 **nominee from each list submitted by each congressional district**
30 **committee, to [reapportion] redistrict** the thirty-four senatorial districts and
31 to establish the numbers and boundaries of said districts. **No person shall be**
32 **appointed to both the house independent bipartisan citizens**
33 **commission and the senate independent bipartisan citizens commission**
34 **during the same redistricting cycle.**

35 If [either of the party committees] **any committee** fails to submit a list
36 within such time, the governor shall appoint [five members] **a member** of his **or**
37 **her** own choice from the **political** party of the committee [so] failing to [act]
38 **submit a list, provided that in the case of a congressional district**
39 **committee failing to submit a list, the person appointed to the**
40 **commission by the governor shall reside in the congressional district**
41 **of such committee.**

42 Members of the commission shall be disqualified from holding office as
43 members of the general assembly for four years following the date of the filing by
44 the commission of its final [statement of apportionment] **redistricting plan.**

45 [(c) Within six months after the population of this state is reported to the
46 President for each decennial census of the United States or in the event that a
47 reapportionment has been invalidated by a court of competent jurisdiction, within
48 six months after such a ruling has been made, the nonpartisan state demographer
49 shall file with the secretary of state and with the senatorial apportionment
50 commission a tentative plan of apportionment and map of the proposed districts.]

51 **(b)** The commissioners so selected shall [within ten days of receiving the
52 tentative plan of apportionment and map of the proposed districts required by
53 this subsection], **on the fifteenth day, excluding Sundays and state**
54 **holidays, after all members have been appointed,** meet in the capitol
55 building and proceed to organize by electing from their number a chairman, vice
56 chairman and secretary. The commission shall adopt an agenda establishing at
57 least three hearing dates on which hearings open to the public shall be held to
58 hear objections or testimony from interested persons. A copy of the agenda shall
59 be filed with the secretary of the senate within twenty-four hours after its
60 adoption. Executive meetings may be scheduled and held as often as the
61 commission deems advisable. [The commission may make changes to the
62 tentative plan of apportionment and map of the proposed districts received from

63 the nonpartisan state demographer provided that such changes are consistent
64 with this section and the methods and criteria required by Section 3 of this
65 Article for the establishment of districts for the house of representatives and
66 approved by a vote of at least seven-tenths of the commissioners. If no changes
67 are made or approved as provided for in this subsection, the tentative plan of
68 apportionment and map of proposed districts shall become final. Not later than
69 two months after receiving the tentative plan of apportionment and map of the
70 proposed districts, the commission shall file with the secretary of state a final
71 statement of the numbers and the boundaries of the districts together with a map
72 of the districts.]

73 **(c) The senate independent bipartisan citizens commission shall**
74 **redistrict the senate using the same methods and criteria as those**
75 **required by subsection (b), section 3 of this article for the redistricting**
76 **of the house of representatives.**

77 **(d) Not later than five months after the appointment of the**
78 **senate independent bipartisan citizens commission, the commission**
79 **shall file with the secretary of state a tentative redistricting plan and**
80 **map of the proposed districts and during the ensuing fifteen days shall**
81 **hold such public hearings as may be necessary to hear objections or**
82 **testimony of interested persons. The commission shall make public the**
83 **tentative redistricting plan and map of the proposed districts, as well**
84 **as all demographic and partisan data used in the creation of the plan**
85 **and map.**

86 **(e) Not later than six months after the appointment of the**
87 **commission, the commission shall file with the secretary of state a final**
88 **statement of the numbers and the boundaries of the districts together**
89 **with a map of the districts, and no statement shall be valid unless**
90 **approved by at least seven-tenths of the members.**

91 **(f) After the final statement is filed, senators shall be elected**
92 **according to such districts until a new redistricting plan is made as**
93 **provided in this section, except that if the final statement is not filed**
94 **within six months of the time fixed for the appointment of the**
95 **commission, the commission shall stand discharged and the senate shall**
96 **be redistricted using the same methods and criteria as described in**
97 **subsection (b) of section 3 of this article by a commission of six**
98 **members appointed from among the judges of the appellate courts of**
99 **the state of Missouri by the state supreme court, a majority of whom**

100 shall sign and file its redistricting plan and map with the secretary of
 101 state within ninety days of the date of the discharge of the senate
 102 independent bipartisan citizens commission. The judicial commission
 103 shall make public the tentative redistricting plan and map of the
 104 proposed districts, as well as all demographic and partisan data used
 105 in the creation of the plan and map. Thereafter, senators shall be
 106 elected according to such districts until a redistricting plan is made as
 107 provided in this section.

108 (g) Each member of the commission shall receive as compensation fifteen
 109 dollars a day for each day the commission is in session, but not more than one
 110 thousand dollars, and, in addition, shall be reimbursed for his **or her** actual and
 111 necessary expenses incurred while serving as a member of the commission.

112 (h) No [reapportionment] **redistricting plan** shall be subject to the
 113 referendum.

114 (i) Any action expressly or implicitly alleging that a redistricting
 115 plan violates this Constitution, federal law, or the United States
 116 Constitution shall be filed in the circuit court of Cole County and shall
 117 name the body that approved the challenged redistricting plan as a
 118 defendant. Only an eligible Missouri voter who sustains an individual
 119 injury by virtue of residing in a district that exhibits the alleged
 120 violation, and whose injury is remedied by a differently drawn district,
 121 shall have standing. If the court renders a judgment in which it finds
 122 that a completed redistricting plan exhibits the alleged violation, its
 123 judgment shall adjust only those districts, and only those parts of
 124 district boundaries, necessary to bring the map into compliance. The
 125 supreme court shall have exclusive appellate jurisdiction upon the
 126 filing of a notice of appeal within ten days after the judgment has
 127 become final.

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 • Ban all lobbyist gifts to legislators and their employees;
- 7 • Reduce legislative campaign contribution limits; and
- 8 • Create citizen-led independent bipartisan commissions to

9 draw state legislative districts based on one person, one
10 vote, minority voter protection, compactness,
11 competitiveness, fairness, and other criteria?"

✓

Unofficial

Bill

Copy

Missouri Senate

[Full Bill Text](#)[All Actions](#)[Amendments/CCRs/CCSs](#)[Available Summaries](#)[Committee Minutes](#)[Fiscal Notes](#)[List of 2020 Senate Bills](#)

SJR 38

Modifies provisions regulating the legislature to limit the influence of partisan or other special interests

Sponsor:

Hegeman

LR Number:

4110S.08T

Committee:

Rules, Joint Rules, Resolutions and Ethics

Last Action:

5/27/2020 - Delivered to Secretary of State

Journal Page:

S1218

Title:

SS#3 SJR 38

Calendar Position:**Effective Date:**

Upon Voter Approval

House Handler:

Plocher

Current Bill Summary

SS#3/SJR 38 - This constitutional amendment, if adopted by the voters, makes modifications to Article III, regulating the General Assembly.

GIFT BAN

(Article III, Section 2(b))

Current law allows a member of the General Assembly, a staff member of a member of the General Assembly, or a person employed by the General Assembly to receive a gift of no more than \$5 per occurrence from a lobbyist or lobbyist principal. This amendment prohibits all such gifts from lobbyists or lobbyist principals.

CAMPAIGN CONTRIBUTION LIMITATIONS

(Article III, Section 2(c))

The amendment provides that in any election to the office of State Senator, the amount of contributions made to or

accepted by any candidate or candidate committee from any person other than the candidate shall not exceed \$2,400, rather than \$2,500. The amendment additionally repeals a provision subjecting campaign contribution limitations for state senate and state house races to inflation.

REDISTRICTING

(Article III, Sections 3 & 7)

Independent Bipartisan Citizens Commissions

Under current law, the nonpartisan state demographer is responsible for preparing new redistricting plans for the House of Representatives and the Senate, which plans may be disapproved by bipartisan commissions nominated by the major political parties and appointed by the Governor. This amendment repeals the post of nonpartisan state demographer and gives all redistricting responsibility to the currently-existing commissions, renamed as the House Independent Bipartisan Citizens Commission and the Senate Independent Bipartisan Citizens Commission, respectively. The membership of each commission is modified such that each commission consists of members (20 each, under the current Congressional apportionment) to be appointed by the Governor from lists provided by the state committee and Congressional district committees of each of the two political parties casting the highest vote for Governor at the last preceding gubernatorial election. For each commission, each state committee shall submit a list of 5 nominees to the Governor and each Congressional district committee shall submit a list of 2 nominees to the Governor. The Governor shall select 2 nominees from each list submitted by each state committee and 1 nominee from each list submitted by each Congressional district committee. No member of either commission may be a member of the other commission.

REDISTRICTING CRITERIA

The order of priority for the criteria that is to be used in preparing redistricting plans is as follows:

1. No district shall be drawn in a manner which would result in the denial or abridgment of the right of any person to vote on account of race or color. Furthermore, no district shall be drawn such that members of a community of protected citizens have less of an opportunity than other members of the electorate to participate in the political process and elect representatives of their choice.
2. Districts shall be as nearly equal as practicable in population and shall be drawn on the basis of one person, one vote. Districts shall not deviate from the ideal population by more than one percent, provided that deviation may be up to three percent if necessary to follow political subdivision lines.
3. Districts must be established in a manner that complies with all requirements of federal law, specifically including the Voting Rights Act of 1965.
4. Districts must consist of contiguous territory as compact as may be, to the extent permitted in conjunction with the above criteria.
5. To the extent permitted in conjunction with the above criteria, communities must be preserved, as described in the amendment.
6. Districts must be drawn to achieve partisan fairness and competitiveness, provided that all preceding criteria shall take precedence. Furthermore, current law provides that, in any redistricting plan, the difference between the total "wasted votes" of the two major political parties divided by the total votes cast for such parties shall be as close to zero as practicable. This amendment modifies that requirement by prohibiting such difference from exceeding 15%.

REDISTRICTING TIMELINE

Each commission must file a tentative redistricting plan and proposed maps with the Secretary of State within 5 months of appointment. A final statement of such plan and maps must be filed within 6 months with the approval of

at least seven-tenths of the respective commission (14 out of 20 members under the current Congressional apportionment). If either commission fails to file its plan with the Secretary of State within such time period, then the commission failing to do so shall stand discharged and the respective chamber of the General Assembly shall be redistricted using the same criteria listed above by a commission of six members appointed by the Supreme Court from among the judges of the appellate courts of the state of Missouri.

ACTIONS CHALLENGING REDISTRICTING PLANS

Any action expressly or implicitly alleging that a redistricting plan violates the Missouri Constitution, federal law, or the United States Constitution must be filed in the Circuit Court of Cole County and shall name the respective commission that approved the challenged plan as a defendant. In order to bring such an action, a plaintiff must be a Missouri voter who resides in a district that exhibits an alleged violation and who would be remedied by a differently drawn district. If the court renders a judgment in which it finds that a completed redistricting plan exhibits the alleged violation, the court may only adjust those districts necessary to bring the map into compliance. The Supreme Court shall have exclusive appellate jurisdiction upon the filing of a notice of appeal within ten days after the judgment has become final.

This constitutional amendment is substantially similar to SJR 49 (2020), SJR 57 (2020), and HCS/HJRs 101 & 76 (2020) and similar to SJR 29 (2019) and HCS/HJRs 48, 46, & 47 (2019).

SCOTT SVAGERA

Amendments

4110S.05F - SS Withdrawn

4110S05.09S - SA 1 Moot

4110S05.20S - SSA 1 SA 1 Withdrawn

4110S05.19S - SA 1 SSA 1 SA 1 Withdrawn

4110S.06F - SS#2 Withdrawn

4110S06.04S - SA 1 SS#2 Moot

4110S.08F - SS #3 Adopted, as amended

4110S08.01S - SA 1 SS#3 Adopted

The following ballot measure has been submitted by the 100th General Assembly, Second Regular Session, for the November 3, 2020 general election.

Official Ballot Title

Amendment 3

[\[full text\]](#) 

[\[Proposed by 100th General Assembly \(Second Regular Session\) SS3 SJR 38\]](#) 

Official Ballot Title:

Shall the Missouri Constitution be amended to:

- Ban all lobbyist gifts to legislators and their employees;
- Reduce legislative campaign contribution limits; and
- Create citizen-led independent bipartisan commissions to draw state legislative districts based on one person, one vote, minority voter protection, compactness, competitiveness, fairness, and other criteria?

State governmental entities expect no cost or savings. Individual local governmental entities expect significant decreased revenues of a total unknown amount.

Fair Ballot Language:

A “**yes**” vote will amend the Missouri Constitution to reduce the limits on campaign contributions that candidates for state senator can accept from individuals or entities by \$100 per election. There is no change for candidates for state representative.

The amendment prohibits state legislators and their employees from accepting a gift of any value (which is currently \$5) from paid lobbyists or the lobbyists’ clients.

The amendment modifies the criteria for redrawing legislative districts and changes the process for redrawing state legislative district boundaries during redistricting by giving redistricting responsibility to a bipartisan commission, renames them, and increases membership to 20 by adding four commissioners appointed by the Governor from nominations by the two major political party's state committees.

A “**no**” vote will not amend the Missouri Constitution regarding campaign contributions, lobbyist gifts, and the process and criteria for redistricting.

If passed, this measure will have no impact on taxes.



Constitution State of Missouri

Constitution of the United States

**JOHN R. ASHCROFT
SECRETARY OF STATE**

Revised January 2017

ARTICLE II

THE DISTRIBUTION OF POWERS

SECTION

1. Three departments of government—separation of powers.

Section 1. Three departments of government—separation of powers.—The powers of government shall be divided into three distinct departments—the legislative, executive and judicial—each of which shall be confided to a separate magistracy, and no person, or collection of persons, charged with the exercise of powers properly belonging to one of those departments, shall exercise any power properly belonging to either of the others, except in the instances in this constitution expressly directed or permitted.

Source: Const. of 1875, Art. III.

ARTICLE III

LEGISLATIVE DEPARTMENT

SECTION

1. Legislative power—general assembly.
2. Election of representatives—apportionment commission, appointment, duties, compensation.
3. (Repealed November 2, 1982, L. 1982 SJR 39, §1 2nd Reg. Sess.)
4. Qualifications of representatives.
5. Senators—number—senatorial districts.
6. Qualifications of senators.
7. Senatorial apportionment commission—number, appointment, duties, compensation.
8. Term limitations for members of general assembly.
9. Apportionment of representatives.
10. Basis of apportionment—alteration of districts.
11. Time of election of senators and representatives.
12. Members of general assembly disqualified from holding other offices.
13. Vacation of office by removal of residence.
14. Writs of election to fill vacancies.
15. Oath of office of members of assembly—administration—effect of refusal to take oath and conviction of violation.
16. Compensation, mileage allowance and expenses of general assembly members.
17. Limitation on number of legislative employees.
18. Appointment of officers of houses—jurisdiction to determine membership—power to make rules, punish for contempt and disorderly conduct and expel members.
19. Legislative privileges.
20. Regular sessions of assembly—quorum—compulsory attendance—public sessions—limitation on power to adjourn.
- 20(a). Automatic adjournment—tabling of bills, when.
- 20(b). Special session, procedure to convene—limitations—automatic adjournment.

LEGISLATIVE PROCEEDINGS

21. Style of laws—bills—limitation on amendments—power of each house to originate and amend bills—reading of bills.
22. Referral of bills to committees—recall of referred bills—records of committees—provision for interim meetings.
23. Limitation of scope of bills—contents of titles—exceptions.
24. Printing of bills and amendments.
25. Limitation on introduction of bills.
26. Legislative journals—demand for yeas and nays—manner and record of vote.
27. Concurrence in amendments—adoption of conference committee reports—final passage of bills.
28. Form of reviving, reenacting and amending bills.
29. Effective date of laws—exceptions—procedure in emergencies and upon recess.
30. Signing of bills by presiding officers—procedure on objections—presentation of bills to governor.
31. Governor's duty as to bills and joint resolutions—time limitations—failure to return, bill becomes law.
32. Vetoed bills reconsidered, when.
33. (Repealed August 5, 1986, L. 1986 HCS HJR 4 and 20, §1, 1st Reg. Sess.)
34. Revision of general statutes—limitation on compensation.
35. Committee on legislative research.

LIMITATION OF LEGISLATIVE POWER

SECTION

- 36. Payment of state revenues and receipts to treasury—limitation of withdrawals to appropriations—order of appropriations.
- 37. Limitation on state debts and bond issues.
- 37(a). State building bond issue authorized—interest rate—payment from income tax and other funds.
- 37(b). Water pollution control fund established—bonds authorized—funds to stand appropriated.
- 37(c). Additional water pollution control bonds authorized—procedure.
- 37(d). Third state building bond issue authorized—procedures—use of funds.
- 37(e). Water pollution control, improvement of drinking water systems and storm water control—bonds authorized, procedure.
- 37(f). Fourth state building bond and interest fund created—bond issue authorized, procedure—use of funds.
- 37(g). Rural water and sewer grants and loans—bonds authorized, procedure.
- 37(h). Stormwater control—bonds authorized, procedure.
- 38(a). Limitation on use of state funds and credit—exceptions—public calamity—blind pensions—old age assistance—aid to children—direct relief—adjusted compensation for veterans—rehabilitation—participation in federal aid.
- 38(b). Tax levy for blind pension fund.
- 38(c). Neighborhood improvement districts, cities and counties may be authorized to establish, powers and duties—limitation on indebtedness.
- 38(d). Stem cell research—title of law—permissible research—violations, penalty—report required, when—prohibited acts—definitions.
- 39. Limitation of power of general assembly.
- 39(a). Bingo may be authorized—requirements.

STATE LOTTERY

- 39(b). State lottery, authority to establish—lottery proceeds fund established, purpose.
- 39(c). Pari-mutuel wagering may be authorized by general assembly—horse racing commission established, election procedure to adopt or reject horse racing.
- 39(d). Gaming revenues to be appropriated to public institutions of elementary, secondary and higher education.
- 39(e). Riverboat gambling authorized on Missouri and Mississippi rivers—boats in moats authorized.
- 39(f). Raffles and sweepstakes authorized.
- 40. Limitations on passage of local and special laws.
- 41. Indirect enactment of local and special laws—repeal of local and special laws.
- 42. Notice of proposed local or special laws.
- 43. Title and control of lands of United States—exemption from taxation—taxation of lands of nonresidents.
- 44. Uniform interest rates.
- 45. Congressional apportionment.
- 45(a). Term limitations for members of U.S. Congress—effective when—voluntary observance required, when.
- 46. Militia.
- 46(a). Emergency duties and powers of assembly on enemy attack.
- 47. State parks—appropriations for, required.
- 48. Historical memorials and monuments—acquisition of property.

INITIATIVE AND REFERENDUM

- 49. Reservation of power to enact and reject laws.
- 50. Initiative petitions—signatures required—form and procedure.
- 51. Appropriations by initiative—effective date of initiated laws—conflicting laws concurrently adopted.
- 52(a). Referendum—exceptions—procedure.
- 52(b). Veto power—elections—effective date.
- 53. Basis for computation of signatures required.

Section 1. Legislative power—general assembly.—The legislative power shall be vested in a senate and house of representatives to be styled “The General Assembly of the State of Missouri.”

Source: Const. of 1875, Art. IV, Sec. 1.

Section 2. Election of representatives—apportionment commission, appointment, duties, compensation.—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 from any one state legislative district. The congressional committees shall each submit to the governor their list of elected nominees. Within thirty days the governor shall appoint a commission consisting of one name from each list to reapportion the state into one hundred and sixty-three representative districts and to establish the numbers and boundaries of said districts.

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

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

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

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

The commission shall reapportion the representatives by dividing the population of the state by the number one hundred sixty-three 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.

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

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

After the statement is filed members of the house of representatives shall be elected according to such districts until a reapportionment is made as herein provided, except that if the statement is not filed within six months of the time fixed for the appointment of the commission, it shall stand discharged and the house of representatives shall be

apportioned by a commission of six members appointed from among the judges of the appellate courts of the state of Missouri by the state supreme court, a majority of whom shall sign and file its apportionment plan and map with the secretary of state within ninety days of the date of the discharge of the apportionment commission. Thereafter members of the house of representatives shall be elected according to such districts until a reapportionment is made as herein provided.

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

No reapportionment shall be subject to the referendum.

(Amended January 14, 1966) (Amended November 2, 1982)

Section 3. (Repealed November 2, 1982, L. 1982 SJR 39, §1 2nd Reg. Sess.)

Section 4. Qualifications of representatives.—Each representative shall be twenty-four years of age, and next before the day of his election shall have been a qualified voter for two years and a resident of the county or district which he is chosen to represent for one year, if such county or district shall have been so long established, and if not, then of the county or district from which the same shall have been taken.

Source: Const. of 1875, Art. IV, Sec. 4.

Section 5. Senators—number—senatorial districts.—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, the state shall be divided into convenient districts of contiguous territory, as compact and nearly equal in population as may be.

Source: Const. of 1875, Art. IV, Secs. 5, 9. (Amended January 14, 1966)

Section 6. Qualifications of senators.—Each senator shall be thirty years of age, and next before the day of his election shall have been a qualified voter of the state for three years and a resident of the district which he is chosen to represent for one year, if such district shall have been so long established, and if not, then of the district or districts from which the same shall have been taken.

Source: Const. of 1875, Art. IV, Sec. 6.

Section 7. Senatorial apportionment commission—number, appointment, duties, compensation.—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 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 years following the date of the filing by the commission of its final statement of apportionment.

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

The 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; no county lines shall be crossed except when necessary to add sufficient population to a multi-district county or city to complete only one district which lies partly within such multi-district 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 multi-district county.

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

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

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

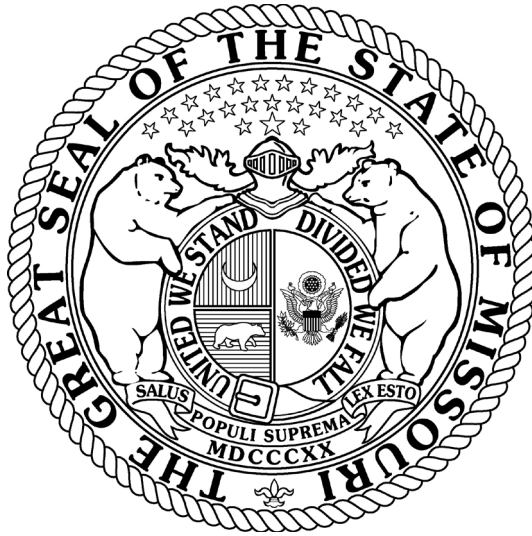
Each member of the commission shall receive as compensation fifteen dollars a day for each day the commission is in session, but not more than one thousand dollars, and, in addition, shall be reimbursed for his actual and necessary expenses incurred while serving as a member of the commission.

No reapportionment shall be subject to the referendum.

(Amended January 14, 1966) (Amended November 2, 1982)

Section 8. Term limitations for members of General Assembly.—No one shall be elected to serve more than eight years total in any one house of the General Assembly nor more than sixteen years total in both houses of the General Assembly. In applying this section, service in the General Assembly resulting from an election prior to December 3, 1992, or service of less than one year, in the case of a member of the house of representatives, or two years, in the case of a member of the senate, by a person elected after the effective date of this section to complete the term of another person, shall not be counted.

(Adopted November 3, 1992) (Amended November 5, 2002)



Constitution State of Missouri

Constitution of the United States

**JOHN R. ASHCROFT
SECRETARY OF STATE**

Revised January 2019

person, or collection of persons, charged with the exercise of powers properly belonging to one of those departments, shall exercise any power properly belonging to either of the others, except in the instances in this constitution expressly directed or permitted.

Source: Const. of 1875, Art. III.

ARTICLE III LEGISLATIVE DEPARTMENT

SECTION

1. Legislative power—general assembly.
2. Prohibited activities by General Assembly members and employees—campaign contribution limits and restrictions.
3. State demographer established and selected—election of representatives—legislative districts established—congressional district commission.
4. Qualifications of representatives.
5. Senators—number—senatorial districts.
6. Qualifications of senators.
7. Senatorial districts established—senatorial apportionment commission.
8. Term limitations for members of general assembly.
9. Apportionment of representatives.
10. Basis of apportionment—alteration of districts.
11. Time of election of senators and representatives.
12. Members of general assembly disqualified from holding other offices.
13. Vacation of office by removal of residence.
14. Writs of election to fill vacancies.
15. Oath of office of members of assembly—administration—effect of refusal to take oath and conviction of violation.
16. Compensation, mileage allowance and expenses of general assembly members.
17. Limitation on number of legislative employees.
18. Appointment of officers of houses—jurisdiction to determine membership—power to make rules, punish for contempt and disorderly conduct and expel members.
19. Legislative privileges—legislative records—legislative proceedings public.
20. Regular sessions of assembly—quorum—compulsory attendance—public sessions—limitation on power to adjourn.
- 20(a). Automatic adjournment—tabling of bills, when.
- 20(b). Special session, procedure to convene—limitations—automatic adjournment.
- 20(c). Political fundraising prohibited on state property.
- 20(d). Severability provision.

LEGISLATIVE PROCEEDINGS

21. Style of laws—bills—limitation on amendments—power of each house to originate and amend bills—reading of bills.
22. Referral of bills to committees—recall of referred bills—records of committees—provision for interim meetings.
23. Limitation of scope of bills—contents of titles—exceptions.
24. Printing of bills and amendments.
25. Limitation on introduction of bills.
26. Legislative journals—demand for yeas and nays—manner and record of vote.
27. Concurrence in amendments—adoption of conference committee reports—final passage of bills.
28. Form of reviving, reenacting and amending bills.
29. Effective date of laws—exceptions—procedure in emergencies and upon recess.
30. Signing of bills by presiding officers—procedure on objections—presentation of bills to governor.
31. Governor's duty as to bills and joint resolutions—time limitations—failure to return, bill becomes law.
32. Vetoed bills reconsidered, when.
33. (Repealed August 5, 1986, L. 1986 HCS HJR 4 and 20, §1, 1st Reg. Sess.)
34. Revision of general statutes—limitation on compensation.
35. Committee on legislative research.

LIMITATION OF LEGISLATIVE POWER

36. Payment of state revenues and receipts to treasury—limitation of withdrawals to appropriations—order of appropriations.
37. Limitation on state debts and bond issues.
- 37(a). State building bond issue authorized—interest rate—payment from income tax and other funds.
- 37(b). Water pollution control fund established—bonds authorized—funds to stand appropriated.
- 37(c). Additional water pollution control bonds authorized—procedure.
- 37(d). Third state building bond issue authorized—procedures—use of funds.

SECTION

- 37(e). Water pollution control, improvement of drinking water systems and storm water control—bonds authorized, procedure.
- 37(f). Fourth state building bond and interest fund created—bond issue authorized, procedure—use of funds.
- 37(g). Rural water and sewer grants and loans—bonds authorized, procedure.
- 37(h). Storm water control plans, studies and projects—bonds authorized, procedure—storm water control bond and interest fund created, administration (includes St. Louis City and counties of the first classification).
- 38(a). Limitation on use of state funds and credit—exceptions—public calamity—blind pensions—old age assistance—aid to children—direct relief—adjusted compensation for veterans—rehabilitation—participation in federal aid.
- 38(b). Tax levy for blind pension fund.
- 38(c). Neighborhood improvement districts, cities and counties may be authorized to establish, powers and duties—limitation on indebtedness.
- 38(d). Stem cell research—title of law—permissible research—violations, penalty—report required, when—prohibited acts—definitions.
- 39. Limitation of power of general assembly.
- 39(a). Bingo may be authorized—requirements.

STATE LOTTERY

- 39(b). State lottery, authority to establish—lottery proceeds fund established, purpose.
- 39(c). Pari-mutuel wagering may be authorized by general assembly—horse racing commission established, election procedure to adopt or reject horse racing.
- 39(d). Gaming revenues to be appropriated to public institutions of elementary, secondary and higher education.
- 39(e). Riverboat gambling authorized on Missouri and Mississippi rivers—boats in moats authorized.
- 39(f). Raffles and sweepstakes authorized.
- 40. Limitations on passage of local and special laws.
- 41. Indirect enactment of local and special laws—repeal of local and special laws.
- 42. Notice of proposed local or special laws.
- 43. Title and control of lands of United States—exemption from taxation—taxation of lands of nonresidents.
- 44. Uniform interest rates.
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- 46. Militia.
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- 47. State parks—appropriations for, required.
- 48. Historical memorials and monuments—acquisition of property.

INITIATIVE AND REFERENDUM

- 49. Reservation of power to enact and reject laws.
- 50. Initiative petitions—signatures required—form and procedure.
- 51. Appropriations by initiative—effective date of initiated laws—conflicting laws concurrently adopted.
- 52(a). Referendum—exceptions—procedure.
- 52(b). Veto power—elections—effective date.
- 53. Basis for computation of signatures required.

Section 1. Legislative power—general assembly.—The legislative power shall be vested in a senate and house of representatives to be styled “The General Assembly of the State of Missouri.”

Source: Const. of 1875, Art. IV, Sec. 1.

***Section 2. Prohibited activities by General Assembly members and employees—campaign contribution limits and restrictions.**—(a) After December 6, 2018, no person serving as a member of or employed by the general assembly shall act or serve as a paid lobbyist, register as a paid lobbyist, or solicit prospective employers or clients to represent as a paid lobbyist during the time of such service until the expiration of two calendar years after the conclusion of the session of the general assembly in which the member or employee last served and where such service was after December 6, 2018.

(b) No person serving as a member of or employed by the general assembly shall accept directly or indirectly a gift of any tangible or intangible item, service, or thing of value from any paid lobbyist or lobbyist principal in excess of five dollars per occurrence. This Article shall not prevent candidates for the general assembly, includ-

ing candidates for reelection, or candidates for offices within the senate or house from accepting campaign contributions consistent with this Article and applicable campaign finance law. Nothing in this section shall prevent individuals from receiving gifts, family support or anything of value from those related to them within the fourth degree by blood or marriage. The dollar limitations of this section shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency, and rounded to the nearest dollar amount.

(c) The general assembly shall make no law authorizing unlimited campaign contributions to candidates for the general assembly, nor any law that circumvents the contribution limits contained in this Constitution. In addition to other campaign contribution limitations or restrictions provided for by law, the amount of contributions made to or accepted by any candidate or candidate committee from any person other than the candidate in any one election for the general assembly shall not exceed the following:

(1) To elect an individual to the office of state senator, two thousand five hundred dollars; and

(2) To elect an individual to the office of state representative, two thousand dollars.

The contribution limits and other restrictions of this section shall also apply to any person exploring a candidacy for a public office listed in this subsection.

For purposes of this subsection, “base year amount” shall be the contribution limits prescribed in this section. Contribution limits set forth herein shall be adjusted on the first day of January in each even-numbered year hereafter by multiplying the base year amount by the cumulative Consumer Price Index and rounded to the nearest dollar amount, for all years after 2018.

(d) No contribution to a candidate for legislative office shall be made or accepted, directly or indirectly, in a fictitious name, in the name of another person, or by or through another person in such a manner as to, or with the intent to, conceal the identity of the actual source of the contribution. There shall be a rebuttable presumption that a contribution to a candidate for public office is made or accepted with the intent to circumvent the limitations on contributions imposed in this section when a contribution is received from a committee or organization that is primarily funded by a single person, individual, or other committee that has already reached its contribution limit under any law relating to contribution limitations. A committee or organization shall be deemed to be primarily funded by a single person, individual, or other committee when the committee or organization receives more than fifty percent of its annual funding from that single person, individual, or other committee.

(e) In no circumstance shall a candidate be found to have violated limits on acceptance of contributions if the Missouri ethics commission, its successor agency, or a court determines that a candidate has taken no action to indicate acceptance of or acquiescence to the making of an expenditure that is deemed a contribution pursuant to this section.

(f) No candidate shall accept contributions from any federal political action committee unless the committee has filed the same financial disclosure reports that would be required of a Missouri political action committee.

(Adopted November 6, 2018)

*Transferred 2018; Article III, § 3. This new section has no continuity with the former version.

***Section 3. State demographer established and selected—election of representatives—legislative districts established—congressional district commission.—(a)** There is hereby established the post of “Nonpartisan State Demographer”. The nonpar-

tisan state demographer shall acquire appropriate information to develop procedures in preparation for drawing legislative redistricting maps on the basis of each federal census for presentation to the house apportionment commission and the senatorial apportionment commission.

(b) The nonpartisan state demographer shall be selected through the following process. First, state residents may apply for selection to the state auditor using an application developed by the state auditor to determine an applicant's qualifications and expertise relevant to the position. Second, the state auditor shall deliver to the majority leader and minority leader of the senate a list of at least three applicants with sufficient expertise and qualifications, as determined by the state auditor, to perform the duties of the nonpartisan state demographer. Third, if the majority leader and minority leader of the senate together agree that a specific applicant should be selected to be the nonpartisan state demographer, that applicant shall be selected and the selection process shall cease. Fourth, if the majority leader and minority leader of the senate cannot together agree on an applicant, they may each remove a number of applicants on the state auditor's list equal to one-third of the total number of applicants on that list, rounded down to the next integer, and the state auditor shall then conduct a random lottery of the applicants remaining after removal to select the nonpartisan state demographer. The state auditor shall prescribe a time frame and deadlines for this application and selection process that both encourages numerous qualified applicants and avoids delay in selection. The nonpartisan state demographer shall serve a term of five years and may be reappointed. To be eligible for the nonpartisan state demographer position an individual shall not have served in a partisan, elected position for four years prior to the appointment. The non-partisan state demographer shall be disqualified from holding office as a member of the general assembly for four years following the date of the presentation of his or her most recent legislative redistricting map to the house apportionment commission or the senatorial apportionment commission.

(c) The house of representatives shall consist of one hundred sixty-three members elected at each general election and apportioned as provided in this section.

(1) Within ten days after the population of this state is reported to the President of the United States for each decennial census of the United States or, in the event that a reapportionment has been invalidated by a court of competent jurisdiction, within ten days after such a ruling has been made, the nonpartisan state demographer shall begin the preparation of legislative districting plans and maps using the following methods, listed in order of priority:

a. Districts shall be established on the basis of total population. Legislative districts shall each have a total population as nearly equal as practicable to the ideal population for such districts, determined by dividing the number of districts to be established into the total population of the state reported in the federal decennial census;

b. Districts shall be established in a manner so as to comply with all requirements of the United States Constitution and applicable federal laws, including, but not limited to, the Voting Rights Act of 1965 (as amended). Notwithstanding any other provision of this Article, districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or diminishing their ability to elect representatives of their choice, whether by themselves or by voting in concert with other persons.

Districts shall be designed in a manner that achieves both partisan fairness and, secondarily, competitiveness. "Partisan fairness" means that parties shall be able to translate their popular support into legislative representation with approximately equal

efficiency. “Competitiveness” means that parties’ legislative representation shall be substantially and similarly responsive to shifts in the electorate’s preferences.

To this end, the nonpartisan state demographer shall calculate the average electoral performance of the two parties receiving the most votes in the three preceding elections for governor, for United States Senate, and for President of the United States. This index shall be defined as the total votes received by each party in the three preceding elections for governor, for United States Senate, and for President of the United States, divided by the total votes cast for both parties in these elections. Using this index, the nonpartisan state demographer shall calculate the total number of wasted votes for each party, summing across all of the districts in the plan. “Wasted votes” are votes cast for a losing candidate or for a winning candidate in excess of the fifty percent threshold needed for victory. In any plan of apportionment and map of the proposed districts submitted to the respective apportionment commission, the nonpartisan state demographer shall ensure the difference between the two parties’ total wasted votes, divided by the total votes cast for the two parties, is as close to zero as practicable.

To promote competitiveness, the nonpartisan state demographer shall use the electoral performance index to simulate elections in which the hypothetical statewide vote shifts by one percent, two percent, three percent, four percent, and five percent in favor of each party. The vote in each individual district shall be assumed to shift by the same amount as the statewide vote. The nonpartisan state demographer shall ensure that, in each of these simulated elections, the difference between the two parties’ total wasted votes, divided by the total votes cast for the two parties, is as close to zero as practicable;

c. Subject to the requirements of paragraphs a. and b. of this subdivision, districts shall be composed of contiguous territory. Areas which meet only at the points of adjoining corners are not contiguous;

d. To the extent consistent with paragraphs a. to c. of this subdivision, district boundaries shall coincide with the boundaries of political subdivisions of the state. The number of counties and cities divided among more than one district shall be as small as possible. When there is a choice between dividing local political subdivisions, the more populous subdivisions shall be divided before the less populous, but this preference shall not apply to a legislative district boundary drawn along a county line which passes through a city that lies in more than one county;

e. Preference shall be that districts are compact in form, but the standards established by paragraphs a. to d. of this subdivision take precedence over compactness where a conflict arises between compactness and these standards. In general, compact districts are those which are square, rectangular, or hexagonal in shape to the extent permitted by natural or political boundaries.

(2) Within sixty days after 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, within sixty days 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 from any one state legislative district. The congressional committees shall each submit to the governor their list of elected nominees. Within thirty days the governor shall appoint a commission consisting of one name from each list to reapportion the state into one hundred

and sixty-three representative districts and to establish the numbers and boundaries of said districts.

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

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

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

(3) Within six months after 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, within six months after such a ruling has been made, the non-partisan state demographer shall make public and file with the secretary of state and with the house apportionment commission a tentative plan of apportionment and map of the proposed districts, as well as all demographic and partisan data used in the creation of the plan and map.

The commissioners so selected shall, within ten days of receiving the tentative plan of apportionment and map of the proposed districts, meet in the capitol building and proceed to organize by electing from their number a chairman, vice chairman and secretary. The commission shall adopt an agenda establishing at least three hearing dates on which hearings open to the public shall be held to hear objections or testimony from interested persons. A copy of the agenda shall be filed with the clerk of the house of representatives within twenty-four hours after its adoption. Executive meetings may be scheduled and held as often as the commission deems advisable.

The commission may make changes to the tentative plan of apportionment and map of the proposed districts received from the non-partisan state demographer provided that such changes are consistent with this section and approved by a vote of at least seven-tenths of the commissioners. If no changes are made or approved as provided for in this subdivision, the tentative plan of apportionment and map of proposed districts shall become final. Not later than two months of receiving the tentative plan of apportionment and map of the proposed districts, the commission shall file with the secretary of state a final statement of the numbers and the boundaries of the districts together with a map of the districts.

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

No reapportionment shall be subject to the referendum.

Source: Const. of 1945. (Amended January 14, 1966) (Amended November 2, 1982) (Amended November 6, 2018)

*Transferred 2018; formerly Article III, § 2. No continuity with previous Article III, § 3, repealed November 2, 1982, L. 1982 SJR 39, § 1 2nd Reg. Sess.

Section 4. Qualifications of representatives.—Each representative shall be twenty-four years of age, and next before the day of his election shall have been a qualified voter for two years and a resident of the county or district which he is chosen to represent for one year, if such county or district shall have been so long established, and if not, then of the county or district from which the same shall have been taken.

Source: Const. of 1875, Art. IV, Sec. 4.

Section 5. Senators—number—senatorial districts.—The senate shall consist of thirty-four members elected by the qualified voters of the senatorial districts for a term of four years. Senatorial districts shall be apportioned as provided for in Article III, Section 7.

Source: Const. of 1875, Art. IV, Secs. 5, 9. (Amended January 14, 1966) (Amended November 6, 2018)

Section 6. Qualifications of senators.—Each senator shall be thirty years of age, and next before the day of his election shall have been a qualified voter of the state for three years and a resident of the district which he is chosen to represent for one year, if such district shall have been so long established, and if not, then of the district or districts from which the same shall have been taken.

Source: Const. of 1875, Art. IV, Sec. 6.

Section 7. Senatorial districts established—senatorial apportionment commission.—(a) Within ten days after 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, within ten days after such a ruling has been made, the nonpartisan state demographer authorized in Article III, Section 3 shall begin the preparation of senatorial districting plans and maps using the same methods and criteria as those required by Article III, Section 3 for the establishment of districts for the house of representatives.

(b) Within sixty days after the population of this state is reported to the President for each decennial census of the United States, or within sixty days after 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 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 years following the date of the filing by the commission of its final statement of apportionment.

(c) Within six months after 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, within six months after such a ruling has been made, the nonpartisan state demographer shall file with the secretary of state and with the senatorial apportionment commission a tentative plan of apportionment and map of the proposed districts.

The commissioners so selected shall within ten days of receiving the tentative plan of apportionment and map of the proposed districts required by this subsection, meet

in the capitol building and proceed to organize by electing from their number a chairman, vice chairman and secretary. The commission shall adopt an agenda establishing at least three hearing dates on which hearings open to the public shall be held to hear objections or testimony from interested persons. A copy of the agenda shall be filed with the secretary of the senate within twenty-four hours after its adoption. Executive meetings may be scheduled and held as often as the commission deems advisable. The commission may make changes to the tentative plan of apportionment and map of the proposed districts received from the nonpartisan state demographer provided that such changes are consistent with this section and the methods and criteria required by Section 3 of this Article for the establishment of districts for the house of representatives and approved by a vote of at least seven-tenths of the commissioners. If no changes are made or approved as provided for in this subsection, the tentative plan of apportionment and map of proposed districts shall become final. Not later than two months after receiving the tentative plan of apportionment and map of the proposed districts, the commission shall file with the secretary of state a final statement of the numbers and the boundaries of the districts together with a map of the districts.

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

No reapportionment shall be subject to the referendum.

Source: Const. of 1945. (Amended January 14, 1966) (Amended November 2, 1982) (Amended November 6, 2018)

Section 8. Term limitations for members of General Assembly.—No one shall be elected to serve more than eight years total in any one house of the General Assembly nor more than sixteen years total in both houses of the General Assembly. In applying this section, service in the General Assembly resulting from an election prior to December 3, 1992, or service of less than one year, in the case of a member of the house of representatives, or two years, in the case of a member of the senate, by a person elected after the effective date of this section to complete the term of another person, shall not be counted.

(Adopted November 3, 1992) (Amended November 5, 2002)

Section 9. Apportionment of representatives.—Until the convening of the Seventy-fourth General Assembly the House of Representatives shall consist of one hundred sixty-three members elected from the one hundred sixty-three representative districts, as they existed January 1, 1965.

(Amended January 14, 1966)

Section 10. Basis of apportionment—alteration of districts.—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.

Source: Const. of 1875, Art. IV, Secs. 2, 5, 7, 9.

Section 11. Time of election of senators and representatives.—The first election of senators and representatives under this constitution, shall be held at the general election in the year one thousand nine hundred and forty-six when the whole number of representatives and the senators from the districts having even numbers, who shall compose the first class, shall be elected, and two years thereafter the whole number of

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 113 & 95

96TH GENERAL ASSEMBLY

2011

0178S.11T

AN ACT

To repeal sections 273.327 and 273.345, RSMo, and to enact in lieu thereof four new sections relating to the care of dogs, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 273.327 and 273.345, RSMo, are repealed and four
2 new sections enacted in lieu thereof, to be known as sections 273.327, 273.345,
3 273.347, and 1, to read as follows:

273.327. No person shall operate an animal shelter, pound or dog pound,
2 boarding kennel, commercial kennel, contract kennel, pet shop, or exhibition
3 facility, other than a limited show or exhibit, or act as a dealer or commercial
4 breeder, unless such person has obtained a license for such operations from the
5 director. An applicant shall obtain a separate license for each separate physical
6 facility subject to sections 273.325 to 273.357 which is operated by the
7 applicant. Any person exempt from the licensing requirements of sections
8 273.325 to 273.357 may voluntarily apply for a license. Application for such
9 license shall be made in the manner provided by the director. The license shall
10 expire annually unless revoked. As provided by rules to be promulgated by the
11 director, the license fee shall range from one hundred to **two thousand** five
12 hundred dollars per year. **Each licensee subject to sections 273.325 to**
13 **273.357 shall pay an additional annual fee of twenty-five dollars to be**
14 **used by the department of agriculture for the purpose of administering**
15 **Operation Bark Alert or any successor program.** Pounds or dog pounds
16 shall be exempt from payment of [such fee] **the fees under this**
17 **section.** License fees shall be levied for each license issued or renewed on or
18 after January 1, 1993.

273.345. 1. This section shall be known and may be cited as the "[Puppy
2 Mill] **Canine** Cruelty Prevention Act."

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

3 2. The purpose of this act is to prohibit the cruel and inhumane treatment
4 of dogs [in puppy mills] **bred in large operations** by requiring large-scale dog
5 breeding operations to provide each dog under their care with basic food and
6 water, adequate shelter from the elements, necessary veterinary care, adequate
7 space to turn around and stretch his or her limbs, and regular exercise.

8 3. Notwithstanding any other provision of law, any person having custody
9 or ownership of more than ten female covered dogs for the purpose of breeding
10 those animals and selling any offspring for use as a pet shall provide each
11 covered dog:

- 12 (1) Sufficient food and clean water;
- 13 (2) Necessary veterinary care;
- 14 (3) Sufficient housing, including protection from the elements;
- 15 (4) Sufficient space to turn and stretch freely, lie down, and fully extend
16 his or her limbs;
- 17 (5) Regular exercise; and
- 18 (6) Adequate rest between breeding cycles.

19 4. [Notwithstanding any other provision of law, no person may have
20 custody of more than fifty covered dogs for the purpose of breeding those animals
21 and selling any offspring for use as a pet.

22 5.] For purposes of this section and notwithstanding the provisions of
23 section 273.325, the following terms have the following meanings:

24 (1) "Adequate rest between breeding cycles" means, at minimum, ensuring
25 that **female** dogs are not bred to produce more [than two] litters in any
26 [eighteen-month] **given period than what is recommended by a licensed**
27 **veterinarian as appropriate for the species, age, and health of the dog;**

28 (2) "Covered dog" means any individual of the species of the domestic dog,
29 *Canis lupus familiaris*, or resultant hybrids, that is over the age of six months
30 and has intact sexual organs;

31 (3) "Necessary veterinary care" means[, at minimum, examination at least
32 once yearly] **at least two personal visual inspections annually** by a licensed
33 veterinarian, **guidance from a licensed veterinarian on preventative care,**
34 **an exercise plan that has been approved by a licensed veterinarian,**
35 **normal and prudent attention to skin, coat, and nails,** prompt treatment
36 of any illness or injury [by a licensed veterinarian], and where needed, humane
37 euthanasia by a licensed veterinarian using lawful techniques deemed acceptable
38 by the American Veterinary Medical Association. **If, during the course of a**
39 **routine personal visual inspection, the licensed veterinarian detects**
40 **signs of disease or injury, then a physical examination of any such**
41 **afflicted dog shall be conducted by a licensed veterinarian;**

42 (4) "Person" means any individual, firm, partnership, joint venture,
43 association, limited liability company, corporation, estate, trust, receiver, or
44 syndicate;

45 (5) "Pet" means any [domesticated animal] **species of the domestic**
46 **dog, *Canis lupus familiaris*, or resultant hybrids**, normally maintained in
47 or near the household of the owner thereof;

48 (6) "Regular exercise" means [constant and unfettered access to an
49 outdoor exercise area that is composed of a solid ground-level surface with
50 adequate drainage, provides some protection against sun, wind, rain, and snow,
51 and provides each dog at least twice the square footage of the indoor floor space
52 provided to that dog] **the type and amount of exercise sufficient to comply**
53 **with an exercise plan that has been approved by a licensed**
54 **veterinarian, developed in accordance with regulations regarding**
55 **exercise promulgated by the Missouri department of agriculture, and**
56 **where such plan affords the dog maximum opportunity for outdoor**
57 **exercise as weather permits;**

58 (7) "Retail pet store" means a person or retail establishment open to the
59 public where dogs are bought, sold, exchanged, or offered for retail sale directly
60 to the public to be kept as pets, but that does not engage in any breeding of dogs
61 for the purpose of selling any offspring for use as a pet;

62 (8) "Sufficient food and clean water" means [access to appropriate
63 nutritious food at least once a day sufficient to maintain good health, and
64 continuous access to potable water that is not frozen and is free of debris, feces,
65 algae, and other contaminants];

66 (a) **The provision, at suitable intervals of not more than twelve**
67 **hours, unless the dietary requirements of the species requires a longer**
68 **interval, of a quantity of wholesome foodstuff, suitable for the species**
69 **and age, enough to maintain a reasonable level of nutrition in each**
70 **animal. All foodstuffs shall be served in a safe receptacle, dish, or**
71 **container; and**

72 (b) **The provision of a supply of potable water in a safe**
73 **receptacle, dish, or container. Water shall be provided continuously or**
74 **at intervals suitable to the species, with no interval to exceed eight**
75 **hours;**

76 (9) "Sufficient housing, including protection from the elements" means
77 [constant and unfettered access to an indoor enclosure that has a solid floor, is
78 not stacked or otherwise placed on top of or below another animal's enclosure, is
79 cleaned of waste at least once a day while the dog is outside the enclosure, and
80 does not fall below forty-five degrees Fahrenheit, or rise above eighty-five degrees

81 Fahrenheit] **the continuous provision of a sanitary facility, the provision**
82 **of a solid surface on which to lie in a recumbent position, protection**
83 **from the extremes of weather conditions, proper ventilation, and**
84 **appropriate space depending on the species of animal as required by**
85 **regulations of the Missouri department of agriculture. No dog shall**
86 **remain inside its enclosure while the enclosure is being cleaned. Dogs**
87 **housed within the same enclosure shall be compatible, in accordance**
88 **with regulations promulgated by the Missouri department of**
89 **agriculture;**

90 (10) "Sufficient space to turn and stretch freely, lie down, and fully extend
91 his or her limbs" means [having:

92 (a) Sufficient indoor space for each dog to turn in a complete circle
93 without any impediment (including a tether);

94 (b) Enough indoor space for each dog to lie down and fully extend his or
95 her limbs and stretch freely without touching the side of an enclosure or another
96 dog;

97 (c) At least one foot of headroom above the head of the tallest dog in the
98 enclosure; and

99 (d) At least twelve square feet of indoor floor space per each dog up to
100 twenty-five inches long, at least twenty square feet of indoor floor space per each
101 dog between twenty-five and thirty-five inches long, and at least thirty square
102 feet of indoor floor space per each dog for dogs thirty-five inches and longer (with
103 the length of the dog measured from the tip of the nose to the base of the tail)]
104 **appropriate space depending on the species of the animal, as specified**
105 **in regulations by the Missouri department of agriculture, as revised.**

106 [6. A person is guilty of the crime of puppy mill cruelty when he or she
107 knowingly violates any provision of this section. The crime of puppy mill cruelty
108 is a class C misdemeanor, unless the defendant has previously pled guilty to or
109 been found guilty of a violation of this section, in which case each such violation
110 is a class A misdemeanor. Each violation of this section shall constitute a
111 separate offense. If any violation of this section meets the definition of animal
112 abuse in section 578.012, the defendant may be charged and penalized under that
113 section instead.

114 7.] **5. Any person subject to the provisions of this section shall**
115 **maintain all veterinary records and sales records for the most recent**
116 **previous two years. These records shall be made available to the state**
117 **veterinarian, a state or local animal welfare official, or a law**
118 **enforcement agent upon request.**

119 6. The provisions of this section are in addition to, and not in lieu of, any

120 other state and federal laws protecting animal welfare. This section shall not be
121 construed to limit any state law or regulation protecting the welfare of animals,
122 nor shall anything in this section prevent a local governing body from adopting
123 and enforcing its own animal welfare laws and regulations in addition to this
124 section. This section shall not be construed to place any numerical limits on the
125 number of dogs a person may own or control when such dogs are not used for
126 breeding those animals and selling any offspring for use as a pet. This section
127 shall not apply to a dog during examination, testing, operation, recuperation, or
128 other individual treatment for veterinary purposes, during lawful scientific
129 research, during transportation, during cleaning of a [dogs] **dog's** enclosure,
130 during supervised outdoor exercise, or during any emergency that places a [dogs]
131 **dog's** life in imminent danger. [This section shall not apply to any retail pet
132 store, animal shelter as defined in section 273.325, hobby or show breeders who
133 have custody of no more than ten female covered dogs for the purpose of breeding
134 those dogs and selling any offspring for use as a pet, or dog trainer who does not
135 breed and sell any dogs for use as a pet.] Nothing in this section shall be
136 construed to limit hunting or the ability to breed, raise, [or] sell [hunting],
137 **control, train, or possess dogs with the intention to use such dogs for**
138 **hunting or other sporting purposes.**

139 [8.] 7. If any provision of this section, or the application thereof to any
140 person or circumstances, is held invalid or unconstitutional, that invalidity or
141 unconstitutionality shall not affect other provisions or applications of this section
142 that can be given effect without the invalid or unconstitutional provision or
143 application, and to this end the provisions of this section are severable.

144 [9.] 8. The provisions herewith shall become operative one year after
145 passage of this act.

273.347. 1. Whenever the state veterinarian or a state animal
2 welfare official finds past violations of sections 273.325 to 273.357 have
3 occurred and have not been corrected or addressed, including
4 operating without a valid license under section 273.327, the director
5 may request the attorney general or the county prosecuting attorney
6 or circuit attorney to bring an action in circuit court in the county
7 where the violations have occurred for a temporary restraining order,
8 preliminary injunction, permanent injunction, or a remedial order
9 enforceable in a circuit court to correct such violations and, in
10 addition, the court may assess a civil penalty in an amount not to
11 exceed one thousand dollars for each violation. Each violation shall
12 constitute a separate offense.

13 2. A person commits the crime of canine cruelty if such person

14 repeatedly violates sections 273.325 to 273.357 so as to pose a
15 substantial risk to the health and welfare of animals in such person's
16 custody, or knowingly violates an agreed-to remedial order involving
17 the safety and welfare of animals under this section. The crime of
18 canine cruelty is a class C misdemeanor, unless the person has
19 previously pled guilty or nolo contendere to or been found guilty of a
20 violation of this subsection, in which case, each such violation is a class
21 A misdemeanor.

22 3. The attorney general or the county prosecuting attorney or
23 circuit attorney may bring an action under sections 273.325 to 273.357
24 in circuit court in the county where the crime has occurred for
25 criminal punishment.

26 4. No action under this section shall prevent or preclude action
27 taken under section 578.012 or under subsection 3 of section 273.329.

Section 1. Any person required to have a license under sections
2 273.325 to 273.357 who houses animals in stacked cages without an
3 impervious barrier between the levels of such cages, except when
4 cleaning such cages, is guilty of a class A misdemeanor.

✓
Bill

Copy

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 161
96TH GENERAL ASSEMBLY
2011

0993L.02T

AN ACT

To repeal sections 273.327, 273.345, 348.400, 348.407, and 348.412, RSMo, and sections 273.327, 273.345, 273.347, and 1 as truly agreed to and finally passed by or as enacted by senate substitute for senate committee substitute for senate bills nos. 113 & 95, the ninety-sixth general assembly, first regular session, and to enact in lieu thereof seven new sections relating to agriculture, with penalty provisions and an emergency clause for certain sections.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 273.327, 273.345, 348.400, 348.407, and 348.412, RSMo, and sections 273.327, 273.345, 273.347, and 1 as truly agreed to and finally passed by or as enacted by senate substitute for senate committee substitute for senate bills nos. 113 & 95, the ninety-sixth general assembly, first regular session, are repealed and seven new sections enacted in lieu thereof, to be known as sections 273.327, 273.345, 273.347, 348.400, 348.407, 348.412, and 1 to read as follows:

273.327. No person shall operate an animal shelter, pound or dog pound, boarding kennel, commercial kennel, contract kennel, pet shop, or exhibition facility, other than a limited show or exhibit, or act as a dealer or commercial breeder, unless such person has obtained a license for such operations from the director. An applicant shall obtain a separate license for each separate physical facility subject to sections 273.325 to 273.357 which is operated by the applicant. Any person exempt from the licensing requirements of sections 273.325 to 273.357 may voluntarily apply for a license. Application for such license shall be made in the manner provided by the director. The license shall expire annually unless revoked. As provided by rules to be promulgated by the

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

11 director, the license fee shall range from one hundred to **two thousand five**
12 **hundred dollars per year. Each licensee subject to sections 273.325 to**
13 **273.357 shall pay an additional annual fee of twenty-five dollars to be**
14 **used by the department of agriculture for the purpose of administering**
15 **Operation Bark Alert or any successor program.** Pounds or dog pounds
16 shall be exempt from payment of [such fee] **the fees under this**
17 **section.** License fees shall be levied for each license issued or renewed on or
18 after January 1, 1993.

273.345. 1. This section shall be known and may be cited as the "[Puppy
2 Mill] **Canine** Cruelty Prevention Act."

3 2. The purpose of this act is to prohibit the cruel and inhumane treatment
4 of dogs [in puppy mills] **bred in large operations** by requiring large-scale dog
5 breeding operations to provide each dog under their care with basic food and
6 water, adequate shelter from the elements, necessary veterinary care, adequate
7 space to turn around and stretch his or her limbs, and regular exercise.

8 3. Notwithstanding any other provision of law, any person having custody
9 or ownership of more than ten female covered dogs for the purpose of breeding
10 those animals and selling any offspring for use as a pet shall provide each
11 covered dog:

- 12 (1) Sufficient food and clean water;
- 13 (2) Necessary veterinary care;
- 14 (3) Sufficient housing, including protection from the elements;
- 15 (4) Sufficient space to turn and stretch freely, lie down, and fully extend
16 his or her limbs;
- 17 (5) Regular exercise; and
- 18 (6) Adequate rest between breeding cycles.

19 4. [Notwithstanding any other provision of law, no person may have
20 custody of more than fifty covered dogs for the purpose of breeding those animals
21 and selling any offspring for use as a pet.

22 5.] For purposes of this section and notwithstanding the provisions of
23 section 273.325, the following terms have the following meanings:

- 24 (1) "Adequate rest between breeding cycles" means, at minimum, ensuring
25 that **female** dogs are not bred to produce more [than two] litters in any
26 [eighteen-month] **given period than what is recommended by a licensed**
27 **veterinarian as appropriate for the species, age, and health of the dog;**
28 (2) "Covered dog" means any individual of the species of the domestic dog,

29 Canis lupus familiaris, or resultant hybrids, that is over the age of six months
30 and has intact sexual organs;

31 (3) "Necessary veterinary care" means, at minimum, examination at least
32 once yearly by a licensed veterinarian, prompt treatment of any **serious** illness
33 or injury by a licensed veterinarian, and where needed, humane euthanasia by
34 a licensed veterinarian using lawful techniques deemed acceptable by the
35 American Veterinary Medical Association;

36 (4) "Person" means any individual, firm, partnership, joint venture,
37 association, limited liability company, corporation, estate, trust, receiver, or
38 syndicate;

39 (5) "Pet" means any [domesticated animal] **species of the domestic**
40 **dog, Canis lupus familiaris, or resultant hybrids**, normally maintained in
41 or near the household of the owner thereof;

42 (6) "Regular exercise" means [constant and unfettered access to an
43 outdoor exercise area that is composed of a solid ground-level surface with
44 adequate drainage, provides some protection against sun, wind, rain, and snow,
45 and provides each dog at least twice the square footage of the indoor floor space
46 provided to that dog] **the type and amount of exercise sufficient to comply**
47 **with an exercise plan that has been approved by a licensed**
48 **veterinarian, developed in accordance with regulations regarding**
49 **exercise promulgated by the Missouri department of agriculture, and**
50 **where such plan affords the dog maximum opportunity for outdoor**
51 **exercise as weather permits;**

52 (7) "Retail pet store" means a person or retail establishment open to the
53 public where dogs are bought, sold, exchanged, or offered for retail sale directly
54 to the public to be kept as pets, but that does not engage in any breeding of dogs
55 for the purpose of selling any offspring for use as a pet;

56 (8) "Sufficient food and clean water" means access to appropriate
57 nutritious food at least [once] **twice** a day sufficient to maintain good health, and
58 continuous access to potable water that is not frozen and is **generally** free of
59 debris, feces, algae, and other contaminants;

60 (9) "Sufficient housing, including protection from the elements" means
61 [constant and unfettered access to an indoor enclosure that has a solid floor, is
62 not stacked or otherwise placed on top of or below another animal's enclosure, is
63 cleaned of waste at least once a day while the dog is outside the enclosure, and
64 does not fall below forty-five degrees Fahrenheit, or rise above eighty-five degrees

65 Fahrenheit] **the continuous provision of a sanitary facility, the provision**
66 **of a solid surface on which to lie in a recumbent position, protection**
67 **from the extremes of weather conditions, proper ventilation, and**
68 **appropriate space depending on the species of animal as required by**
69 **regulations of the Missouri department of agriculture and in**
70 **compliance with the provisions of subsection 7 of this section. No dog**
71 **shall remain inside its enclosure while the enclosure is being**
72 **cleaned. Dogs housed within the same enclosure shall be compatible,**
73 **in accordance with regulations promulgated by the Missouri**
74 **department of agriculture;**

75 (10) "Sufficient space to turn and stretch freely, lie down, and fully extend
76 his or her limbs" means having:

77 (a) Sufficient indoor space **or shelter from the elements** for each dog
78 to turn in a complete circle without any impediment (including a tether);

79 (b) Enough indoor space **or shelter from the elements** for each dog to
80 lie down and fully extend his or her limbs and stretch freely without touching the
81 side of an enclosure or another dog;

82 (c) [At least one foot of headroom above the head of the tallest dog in the
83 enclosure; and

84 (d) At least twelve square feet of indoor floor space per each dog up to
85 twenty-five inches long, at least twenty square feet of indoor floor space per each
86 dog between twenty-five and thirty-five inches long, and at least thirty square
87 feet of indoor floor space per each dog for dogs thirty-five inches and longer (with
88 the length of the dog measured from the tip of the nose to the base of the tail)]
89 **Appropriate space depending on the species of the animal, as specified**
90 **in regulations by the Missouri department of agriculture, as revised,**
91 **and in compliance with the provisions of subsection 7 of this section.**

92 [6. A person is guilty of the crime of puppy mill cruelty when he or she
93 knowingly violates any provision of this section. The crime of puppy mill cruelty
94 is a class C misdemeanor, unless the defendant has previously pled guilty to or
95 been found guilty of a violation of this section, in which case each such violation
96 is a class A misdemeanor. Each violation of this section shall constitute a
97 separate offense. If any violation of this section meets the definition of animal
98 abuse in section 578.012, the defendant may be charged and penalized under that
99 section instead.

100 7.] **5. Any person subject to the provisions of this section shall**

101 **maintain all veterinary records and sales records for the most recent**
102 **previous two years. These records shall be made available to the state**
103 **veterinarian, a state or local animal welfare official, or a law**
104 **enforcement agent upon request.**

105 **6.** The provisions of this section are in addition to, and not in lieu of, any
106 other state and federal laws protecting animal welfare. This section shall not be
107 construed to limit any state law or regulation protecting the welfare of animals,
108 nor shall anything in this section prevent a local governing body from adopting
109 and enforcing its own animal welfare laws and regulations in addition to this
110 section. This section shall not be construed to place any numerical limits on the
111 number of dogs a person may own or control when such dogs are not used for
112 breeding those animals and selling any offspring for use as a pet. This section
113 shall not apply to a dog during examination, testing, operation, recuperation, or
114 other individual treatment for veterinary purposes, during lawful scientific
115 research, during transportation, during cleaning of a [dogs] **dog's** enclosure,
116 during supervised outdoor exercise, or during any emergency that places a [dogs]
117 **dog's** life in imminent danger. [This section shall not apply to any retail pet
118 store, animal shelter as defined in section 273.325, hobby or show breeders who
119 have custody of no more than ten female covered dogs for the purpose of breeding
120 those dogs and selling any offspring for use as a pet, or dog trainer who does not
121 breed and sell any dogs for use as a pet.] Nothing in this section shall be
122 construed to limit hunting or the ability to breed, raise, [or] sell [hunting],
123 **control, train, or possess dogs with the intention to use such dogs for**
124 **hunting or other sporting purposes.**

125 **7.** Notwithstanding any law to the contrary, the following space
126 **requirements shall apply under this section:**

127 **(1) From January 1, 2012, through December 31, 2015, for any**
128 **enclosure existing prior to April 15, 2011, the minimum allowable space**
129 **shall:**

130 **(a) Be two times the space allowable under the department of**
131 **agriculture's regulation that was in effect on April 15, 2011;**

132 **(b) Except as prescribed by rule, provide constant and unfettered**
133 **access to an attached outdoor run; and**

134 **(c) Meet all other requirements set forth by rule of the Missouri**
135 **department of agriculture;**

136 **(2) For any enclosure newly constructed after April 15, 2011, and**

137 for all enclosures as of January 1, 2016, the minimum allowable space
138 shall:

139 (a) Be three times the space allowable under the department of
140 agriculture's regulation that was in effect on April 15, 2011;

141 (b) Except as prescribed by rule, provide constant and unfettered
142 access to an attached outdoor run; and

143 (c) Meet all other requirements set forth by rule of the Missouri
144 department of agriculture;

145 (3) For any enclosure newly constructed after April 15, 2011, and
146 for all enclosures as of January 1, 2016, wire strand flooring shall be
147 prohibited and all enclosures shall meet the flooring standard set forth
148 by rule of the Missouri department of agriculture.

149 8. If any provision of this section, or the application thereof to any person
150 or circumstances, is held invalid or unconstitutional, that invalidity or
151 unconstitutionality shall not affect other provisions or applications of this section
152 that can be given effect without the invalid or unconstitutional provision or
153 application, and to this end the provisions of this section are severable.

154 [9. The provisions herewith shall become operative one year after passage
155 of this act.]

273.347. 1. Whenever the state veterinarian or a state animal
2 welfare official finds past violations of sections 273.325 to 273.357 have
3 occurred and have not been corrected or addressed, including
4 operating without a valid license under section 273.327, the director
5 may request the attorney general or the county prosecuting attorney
6 or circuit attorney to bring an action in circuit court in the county
7 where the violations have occurred for a temporary restraining order,
8 preliminary injunction, permanent injunction, or a remedial order
9 enforceable in a circuit court to correct such violations and, in
10 addition, the court may assess a civil penalty in an amount not to
11 exceed one thousand dollars for each violation. Each violation shall
12 constitute a separate offense.

13 2. A person commits the crime of canine cruelty if such person
14 repeatedly violates sections 273.325 to 273.357 so as to pose a
15 substantial risk to the health and welfare of animals in such person's
16 custody, or knowingly violates an agreed-to remedial order involving
17 the safety and welfare of animals under this section. The crime of
18 canine cruelty is a class C misdemeanor, unless the person has

19 **previously pled guilty or nolo contendere to or been found guilty of a**
20 **violation of this subsection, in which case, each such violation is a class**
21 **A misdemeanor.**

22 **3. The attorney general or the county prosecuting attorney or**
23 **circuit attorney may bring an action under sections 273.325 to 273.357**
24 **in circuit court in the county where the crime has occurred for**
25 **criminal punishment.**

26 **4. No action under this section shall prevent or preclude action**
27 **taken under section 578.012 or under subsection 3 of section 273.329.**

348.400. As used in sections 348.400 to 348.415, the following terms
2 mean:

3 (1) "Agricultural business development loan", a loan for the acquisition,
4 construction, improvement, or rehabilitation of agricultural property, **or for the**
5 **expansion, acquisition, construction, improvement, or rehabilitation of**
6 **a qualifying agribusiness;**

7 (2) "Agricultural product", an agricultural, horticultural, viticultural, or
8 vegetable product, growing of grapes that will be processed into wine, bees, honey,
9 fish or other aquacultural product, planting seed, livestock, a livestock product,
10 a forestry product, poultry or a poultry product, either in its natural or processed
11 state, that has been produced, processed, or otherwise had value added to it in
12 this state;

13 (3) "Agricultural property", any land and easements and real and personal
14 property, including, but not limited to, buildings, structures, improvements, and
15 equipment which is used in Missouri by Missouri residents or Missouri-based
16 businesses for the purpose of processing, manufacturing, marketing, exporting or
17 adding value to an agricultural product. Agricultural property also includes any
18 land and easements and real and personal property, including, but not limited to,
19 buildings, structures, improvements, equipment and plant stock used for the
20 growing of grapes which will be processed into wine;

21 (4) "Authority", the Missouri agricultural and small business development
22 authority;

23 (5) "Eligible borrower", as defined in section 348.015;

24 (6) "Eligible lender", lender as defined in section 348.015;

25 (7) "Fund", the agricultural product utilization and business development
26 loan guarantee fund or the agricultural product utilization grant fund;

27 (8) "Grant fund" the agricultural product utilization grant fund;

28 (9) "Program fund", the agricultural product utilization and business
29 development loan program fund;

30 (10) **"Qualifying agribusiness", any business whose primary**
31 **customer base is producers of agricultural goods and products or any**
32 **business whose function is the support of agricultural production or**
33 **processing by providing goods and services used for producing or**
34 **processing agricultural products.**

348.407. 1. The authority shall develop and implement agricultural
2 products utilization grants as provided in this section.

3 2. The authority may reject any application for grants pursuant to this
4 section.

5 3. The authority shall make grants, and may make loans or guaranteed
6 loans from the grant fund to persons for the creation, development and operation,
7 for up to three years from the time of application approval, of rural agricultural
8 businesses whose projects add value to agricultural products and aid the economy
9 of a rural community.

10 4. **The authority may make loan guarantees to qualified**
11 **agribusinesses for agricultural business development loans for**
12 **businesses that aid in the economy of a rural community and support**
13 **production agriculture or add value to agricultural products by**
14 **providing necessary products and services for production or**
15 **processing.**

16 5. The authority may, upon the provision of a fee by the requesting person
17 in an amount to be determined by the authority, provide for a feasibility study of
18 the person's rural agricultural business concept.

19 [5.] 6. Upon a determination by the authority that such concept is
20 feasible and upon the provision of a fee by the requesting person, in an amount
21 to be determined by the authority, the authority may then provide for a
22 marketing study. Such marketing study shall be designed to determine whether
23 such concept may be operated profitably.

24 [6.] 7. Upon a determination by the authority that the concept may be
25 operated profitably, the authority may provide for legal assistance to set up the
26 business. Such legal assistance shall include, but not be limited to, providing
27 advice and assistance on the form of business entity, the availability of tax credits
28 and other assistance for which the business may qualify as well as helping the
29 person apply for such assistance.

30 [7.] 8. The authority may provide or facilitate loans or guaranteed loans
31 for the business including, but not limited to, loans from the United States
32 Department of Agriculture Rural Development Program, subject to availability.
33 Such financial assistance may only be provided to feasible projects, and for an
34 amount that is the least amount necessary to cause the project to occur, as
35 determined by the authority. The authority may structure the financial
36 assistance in a way that facilitates the project, but also provides for a
37 compensatory return on investment or loan payment to the authority, based on
38 the risk of the project.

39 [8.] 9. The authority may provide for consulting services in the building
40 of the physical facilities of the business.

41 [9.] 10. The authority may provide for consulting services in the
42 operation of the business.

43 [10.] 11. The authority may provide for such services through employees
44 of the state or by contracting with private entities.

45 [11.] 12. The authority may consider the following in making the
46 decision:

- 47 (1) The applicant's commitment to the project through the applicant's risk;
- 48 (2) Community involvement and support;
- 49 (3) The phase the project is in on an annual basis;
- 50 (4) The leaders and consultants chosen to direct the project;
- 51 (5) The amount needed for the project to achieve the bankable stage; and
- 52 (6) The projects planning for long-term success through feasibility studies,
53 marketing plans and business plans.

54 [12.] 13. The department of agriculture, the department of natural
55 resources, the department of economic development and the University of
56 Missouri may provide such assistance as is necessary for the implementation and
57 operation of this section. The authority may consult with other state and federal
58 agencies as is necessary.

59 [13.] 14. The authority may charge fees for the provision of any service
60 pursuant to this section.

61 [14.] 15. The authority may adopt rules to implement the provisions of
62 this section.

63 [15.] 16. Any rule or portion of a rule, as that term is defined in section
64 536.010, that is created under the authority delegated in sections 348.005 to
65 348.180 shall become effective only if it complies with and is subject to all of the

66 provisions of chapter 536 and, if applicable, section 536.028. All rulemaking
67 authority delegated prior to August 28, 1999, is of no force and effect and
68 repealed. Nothing in this section shall be interpreted to repeal or affect the
69 validity of any rule filed or adopted prior to August 28, 1999, if it fully complied
70 with all applicable provisions of law. This section and chapter 536 are
71 nonseverable and if any of the powers vested with the general assembly pursuant
72 to chapter 536 to review, to delay the effective date or to disapprove and annul
73 a rule are subsequently held unconstitutional, then the grant of rulemaking
74 authority and any rule proposed or adopted after August 28, 1999, shall be
75 invalid and void.

348.412. 1. Eligible borrowers:

2 (1) Shall use the proceeds of the agricultural business development loan
3 to acquire agricultural property **or for the expansion, acquisition,**
4 **construction, improvement, or rehabilitation of a qualifying**
5 **agribusiness;** and

6 (2) May not finance more than ninety percent of the anticipated cost of the
7 project through the agricultural business development loan.

8 2. The project shall have opportunities to succeed in the development,
9 expansion and operation of businesses involved in adding value to, marketing,
10 exporting, processing, or manufacturing agricultural products that will benefit the
11 state economically and socially through direct or indirect job creation or job
12 retention.

13 3. The authority shall promulgate rules establishing eligibility pursuant
14 to the provisions of sections 348.400 to 348.415, taking into consideration:

15 (1) The eligible borrower's ability to repay the agricultural business
16 development loan;

17 (2) The general economic conditions of the area in which the agricultural
18 property will be located;

19 (3) The prospect of success of the particular project for which the loan is
20 sought; and

21 (4) Such other factors as the authority may establish.

22 4. The authority may promulgate rules to provide for:

23 (1) The requirement or nonrequirement of security or endorsement and
24 the nature thereof;

25 (2) The manner and time or repayment of the principal and interest;

26 (3) The maximum rate of interest;

- 27 (4) The right of the eligible borrower to accelerate payments without
28 penalty;
- 29 (5) The amount of the guaranty charge;
- 30 (6) The effective period of the guaranty;
- 31 (7) The percent of the agricultural business development loan, not to
32 exceed fifty percent, covered by the guaranty;
- 33 (8) The assignability of agricultural business development loans by the
34 eligible lender;
- 35 (9) Procedures in the event of default on an agricultural business
36 development loan;
- 37 (10) The due diligence effort on the part of eligible lenders for collection
38 of guaranteed loans;
- 39 (11) Collection assistance to be provided to eligible lenders; and
- 40 (12) The extension of the guaranty in consideration of duty in the armed
41 forces, unemployment, natural disasters, or other hardships.

**Section 1. Any person required to have a license under sections
2 273.325 to 273.357 who houses animals in stacked cages without an
3 impervious barrier between the levels of such cages, except when
4 cleaning such cages, is guilty of a class A misdemeanor.**

 [273.327. No person shall operate an animal shelter, pound
2 or dog pound, boarding kennel, commercial kennel, contract kennel,
3 pet shop, or exhibition facility, other than a limited show or
4 exhibit, or act as a dealer or commercial breeder, unless such
5 person has obtained a license for such operations from the
6 director. An applicant shall obtain a separate license for each
7 separate physical facility subject to sections 273.325 to 273.357
8 which is operated by the applicant. Any person exempt from the
9 licensing requirements of sections 273.325 to 273.357 may
10 voluntarily apply for a license. Application for such license shall
11 be made in the manner provided by the director. The license shall
12 expire annually unless revoked. As provided by rules to be
13 promulgated by the director, the license fee shall range from one
14 hundred to **two thousand** five hundred dollars per year. **Each**
15 **licensee subject to sections 273.325 to 273.357 shall pay an**
16 **additional annual fee of twenty-five dollars to be used by**
17 **the department of agriculture for the purpose of**

18 **administering Operation Bark Alert or any successor**
19 **program.** Pounds or dog pounds shall be exempt from payment of
20 [such fee] **the fees under this section.** License fees shall be
21 levied for each license issued or renewed on or after January 1,
22 1993.]

2 [273.345. 1. This section shall be known and may be cited
as the "[Puppy Mill] **Canine** Cruelty Prevention Act."

3 2. The purpose of this act is to prohibit the cruel and
4 inhumane treatment of dogs [in puppy mills] **bred in large**
5 **operations** by requiring large-scale dog breeding operations to
6 provide each dog under their care with basic food and water,
7 adequate shelter from the elements, necessary veterinary care,
8 adequate space to turn around and stretch his or her limbs, and
9 regular exercise.

10 3. Notwithstanding any other provision of law, any person
11 having custody or ownership of more than ten female covered dogs
12 for the purpose of breeding those animals and selling any offspring
13 for use as a pet shall provide each covered dog:

- 14 (1) Sufficient food and clean water;
- 15 (2) Necessary veterinary care;
- 16 (3) Sufficient housing, including protection from the
17 elements;
- 18 (4) Sufficient space to turn and stretch freely, lie down, and
19 fully extend his or her limbs;
- 20 (5) Regular exercise; and
- 21 (6) Adequate rest between breeding cycles.

22 4. [Notwithstanding any other provision of law, no person
23 may have custody of more than fifty covered dogs for the purpose
24 of breeding those animals and selling any offspring for use as a pet.

25 5.] For purposes of this section and notwithstanding the
26 provisions of section 273.325, the following terms have the
27 following meanings:

- 28 (1) "Adequate rest between breeding cycles" means, at
29 minimum, ensuring that **female** dogs are not bred to produce more
30 [than two] litters in any [eighteen-month] **given** period **than**
31 **what is recommended by a licensed veterinarian as**

32 **appropriate for the species, age, and health of the dog;**

33 (2) "Covered dog" means any individual of the species of the
34 domestic dog, *Canis lupus familiaris*, or resultant hybrids, that is
35 over the age of six months and has intact sexual organs;

36 (3) "Necessary veterinary care" means[, at minimum,
37 examination at least once yearly] **at least two personal visual**
38 **inspections annually** by a licensed veterinarian, **guidance from**
39 **a licensed veterinarian on preventative care, an exercise**
40 **plan that has been approved by a licensed veterinarian,**
41 **normal and prudent attention to skin, coat, and nails,**
42 prompt treatment of any illness or injury [by a licensed
43 veterinarian], and where needed, humane euthanasia by a licensed
44 veterinarian using lawful techniques deemed acceptable by the
45 American Veterinary Medical Association. **If, during the course**
46 **of a routine personal visual inspection, the licensed**
47 **veterinarian detects signs of disease or injury, then a**
48 **physical examination of any such afflicted dog shall be**
49 **conducted by a licensed veterinarian;**

50 (4) "Person" means any individual, firm, partnership, joint
51 venture, association, limited liability company, corporation, estate,
52 trust, receiver, or syndicate;

53 (5) "Pet" means any [domesticated animal] **species of the**
54 **domestic dog, *Canis lupus familiaris*, or resultant hybrids,**
55 normally maintained in or near the household of the owner thereof;

56 (6) "Regular exercise" means [constant and unfettered
57 access to an outdoor exercise area that is composed of a solid
58 ground-level surface with adequate drainage, provides some
59 protection against sun, wind, rain, and snow, and provides each
60 dog at least twice the square footage of the indoor floor space
61 provided to that dog] **the type and amount of exercise**
62 **sufficient to comply with an exercise plan that has been**
63 **approved by a licensed veterinarian, developed in**
64 **accordance with regulations regarding exercise**
65 **promulgated by the Missouri department of agriculture,**
66 **and where such plan affords the dog maximum opportunity**
67 **for outdoor exercise as weather permits;**

68 (7) "Retail pet store" means a person or retail establishment
69 open to the public where dogs are bought, sold, exchanged, or
70 offered for retail sale directly to the public to be kept as pets, but
71 that does not engage in any breeding of dogs for the purpose of
72 selling any offspring for use as a pet;

73 (8) "Sufficient food and clean water" means [access to
74 appropriate nutritious food at least once a day sufficient to
75 maintain good health, and continuous access to potable water that
76 is not frozen and is free of debris, feces, algae, and other
77 contaminants];

78 (a) **The provision, at suitable intervals of not more**
79 **than twelve hours, unless the dietary requirements of the**
80 **species requires a longer interval, of a quantity of**
81 **wholesome foodstuff, suitable for the species and age,**
82 **enough to maintain a reasonable level of nutrition in each**
83 **animal. All foodstuffs shall be served in a safe receptacle,**
84 **dish, or container; and**

85 (b) **The provision of a supply of potable water in a**
86 **safe receptacle, dish, or container. Water shall be provided**
87 **continuously or at intervals suitable to the species, with no**
88 **interval to exceed eight hours;**

89 (9) "Sufficient housing, including protection from the
90 elements" means [constant and unfettered access to an indoor
91 enclosure that has a solid floor, is not stacked or otherwise placed
92 on top of or below another animal's enclosure, is cleaned of waste
93 at least once a day while the dog is outside the enclosure, and does
94 not fall below forty-five degrees Fahrenheit, or rise above
95 eighty-five degrees Fahrenheit] **the continuous provision of a**
96 **sanitary facility, the provision of a solid surface on which**
97 **to lie in a recumbent position, protection from the**
98 **extremes of weather conditions, proper ventilation, and**
99 **appropriate space depending on the species of animal as**
100 **required by regulations of the Missouri department of**
101 **agriculture. No dog shall remain inside its enclosure while**
102 **the enclosure is being cleaned. Dogs housed within the**
103 **same enclosure shall be compatible, in accordance with**

104 **regulations promulgated by the Missouri department of**
105 **agriculture;**

106 (10) "Sufficient space to turn and stretch freely, lie down,
107 and fully extend his or her limbs" means [having:

108 (a) Sufficient indoor space for each dog to turn in a
109 complete circle without any impediment (including a tether);

110 (b) Enough indoor space for each dog to lie down and fully
111 extend his or her limbs and stretch freely without touching the side
112 of an enclosure or another dog;

113 (c) At least one foot of headroom above the head of the
114 tallest dog in the enclosure; and

115 (d) At least twelve square feet of indoor floor space per each
116 dog up to twenty-five inches long, at least twenty square feet of
117 indoor floor space per each dog between twenty-five and thirty-five
118 inches long, and at least thirty square feet of indoor floor space per
119 each dog for dogs thirty-five inches and longer (with the length of
120 the dog measured from the tip of the nose to the base of the tail)]
121 **appropriate space depending on the species of the animal,**
122 **as specified in regulations by the Missouri department of**
123 **agriculture, as revised.**

124 [6. A person is guilty of the crime of puppy mill cruelty
125 when he or she knowingly violates any provision of this
126 section. The crime of puppy mill cruelty is a class C misdemeanor,
127 unless the defendant has previously pled guilty to or been found
128 guilty of a violation of this section, in which case each such
129 violation is a class A misdemeanor. Each violation of this section
130 shall constitute a separate offense. If any violation of this section
131 meets the definition of animal abuse in section 578.012, the
132 defendant may be charged and penalized under that section
133 instead.

134 **7.] 5. Any person subject to the provisions of this**
135 **section shall maintain all veterinary records and sales**
136 **records for the most recent previous two years. These**
137 **records shall be made available to the state veterinarian,**
138 **a state or local animal welfare official, or a law**
139 **enforcement agent upon request.**

140 **6.** The provisions of this section are in addition to, and not
141 in lieu of, any other state and federal laws protecting animal
142 welfare. This section shall not be construed to limit any state law
143 or regulation protecting the welfare of animals, nor shall anything
144 in this section prevent a local governing body from adopting and
145 enforcing its own animal welfare laws and regulations in addition
146 to this section. This section shall not be construed to place any
147 numerical limits on the number of dogs a person may own or
148 control when such dogs are not used for breeding those animals
149 and selling any offspring for use as a pet. This section shall not
150 apply to a dog during examination, testing, operation, recuperation,
151 or other individual treatment for veterinary purposes, during
152 lawful scientific research, during transportation, during cleaning
153 of a [dogs] **dog's** enclosure, during supervised outdoor exercise, or
154 during any emergency that places a [dogs] **dog's** life in imminent
155 danger. [This section shall not apply to any retail pet store,
156 animal shelter as defined in section 273.325, hobby or show
157 breeders who have custody of no more than ten female covered dogs
158 for the purpose of breeding those dogs and selling any offspring for
159 use as a pet, or dog trainer who does not breed and sell any dogs
160 for use as a pet.] Nothing in this section shall be construed to limit
161 hunting or the ability to breed, raise, [or] sell [hunting], **control,**
162 **train, or possess dogs with the intention to use such dogs**
163 **for hunting or other sporting purposes.**

164 [8.] **7.** If any provision of this section, or the application
165 thereof to any person or circumstances, is held invalid or
166 unconstitutional, that invalidity or unconstitutionality shall not
167 affect other provisions or applications of this section that can be
168 given effect without the invalid or unconstitutional provision or
169 application, and to this end the provisions of this section are
170 severable.

171 [9.] **8.** The provisions herewith shall become operative one
172 year after passage of this act.]

 [273.347. **1. Whenever the state veterinarian or a**
2 **state animal welfare official finds past violations of**
3 **sections 273.325 to 273.357 have occurred and have not**

4 **been corrected or addressed, including operating without**
5 **a valid license under section 273.327, the director may**
6 **request the attorney general or the county prosecuting**
7 **attorney or circuit attorney to bring an action in circuit**
8 **court in the county where the violations have occurred for**
9 **a temporary restraining order, preliminary injunction,**
10 **permanent injunction, or a remedial order enforceable in**
11 **a circuit court to correct such violations and, in addition,**
12 **the court may assess a civil penalty in an amount not to**
13 **exceed one thousand dollars for each violation. Each**
14 **violation shall constitute a separate offense.**

15 **2. A person commits the crime of canine cruelty if**
16 **such person repeatedly violates sections 273.325 to 273.357**
17 **so as to pose a substantial risk to the health and welfare of**
18 **animals in such person's custody, or knowingly violates an**
19 **agreed-to remedial order involving the safety and welfare**
20 **of animals under this section. The crime of canine cruelty**
21 **is a class C misdemeanor, unless the person has previously**
22 **pled guilty or nolo contendere to or been found guilty of a**
23 **violation of this subsection, in which case, each such**
24 **violation is a class A misdemeanor.**

25 **3. The attorney general or the county prosecuting**
26 **attorney or circuit attorney may bring an action under**
27 **sections 273.325 to 273.357 in circuit court in the county**
28 **where the crime has occurred for criminal punishment.**

29 **4. No action under this section shall prevent or**
30 **preclude action taken under section 578.012 or under**
31 **subsection 3 of section 273.329.]**

[Section 1. Any person required to have a license
2 **under sections 273.325 to 273.357 who houses animals in**
3 **stacked cages without an impervious barrier between the**
4 **levels of such cages, except when cleaning such cages, is**
5 **guilty of a class A misdemeanor.]**

Section B. In order to improve the immediate health and welfare of dogs
2 in this state and to provide sufficient time for businesses to comply with changes
3 in the law, the repeal and reenactment of sections 273.327 and 273.345, the
4 enactment of sections 273.347 and 1, and the repeal of sections 273.327, 273.345,

5 273.347, and 1 of section A of this act is deemed necessary for the immediate
6 preservation of the public health, welfare, peace and safety, and is hereby
7 declared to be an emergency act within the meaning of the constitution, and the
8 repeal and reenactment of sections 273.327 and 273.345, the enactment of
9 sections 273.347 and 1, and the repeal of sections 273.327, 273.345, 273.347, and
10 1 of section A of this act shall be in full force and effect upon its passage and
11 approval.

✓

Unofficial

Bill

Copy

Vernon's Annotated Missouri Statutes
Constitution of 1945 of the State of Missouri
Article III. Legislative Department

V.A.M.S. Const. Art. 3, § 3

§ 3. State demographer established and selected--election of representatives--
legislative districts established--congressional district commission

Effective: December 6, 2018

Currentness

(a) There is hereby established the post of "Nonpartisan State Demographer". The nonpartisan state demographer shall acquire appropriate information to develop procedures in preparation for drawing legislative redistricting maps on the basis of each federal census for presentation to the house apportionment commission and the senatorial apportionment commission.

(b) The nonpartisan state demographer shall be selected through the following process. First, state residents may apply for selection to the state auditor using an application developed by the state auditor to determine an applicant's qualifications and expertise relevant to the position. Second, the state auditor shall deliver to the majority leader and minority leader of the senate a list of at least three applicants with sufficient expertise and qualifications, as determined by the state auditor, to perform the duties of the nonpartisan state demographer. Third, if the majority leader and minority leader of the senate together agree that a specific applicant should be selected to be the nonpartisan state demographer, that applicant shall be selected and the selection process shall cease. Fourth, if the majority leader and minority leader of the senate cannot together agree on an applicant, they may each remove a number of applicants on the state auditor's list equal to one-third of the total number of applicants on that list, rounded down to the next integer, and the state auditor shall then conduct a random lottery of the applicants remaining after removal to select the nonpartisan state demographer. The state auditor shall prescribe a time frame and deadlines for this application and selection process that both encourages numerous qualified applicants and avoids delay in selection. The nonpartisan state demographer shall serve a term of five years and may be reappointed. To be eligible for the nonpartisan state demographer position, an individual shall not have served in a partisan, elected position for four years prior to the appointment. The nonpartisan state demographer shall be disqualified from holding office as a member of the general assembly for four years following the date of the presentation of his or her most recent legislative redistricting map to the house apportionment commission or the senatorial apportionment commission.

(c) The house of representatives shall consist of one hundred sixty-three members elected at each general election and apportioned as provided in this section.

(1) Within ten days after 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, within ten days after such a ruling has been made, the nonpartisan state demographer shall begin the preparation of legislative districting plans and maps using the following methods, listed in order of priority:

a. Districts shall be established on the basis of total population. Legislative districts shall each have a total population as nearly equal as practicable to the ideal population for such districts, determined by dividing the number of districts to be established into the total population of the state reported in the federal decennial census;

b. Districts shall be established in a manner so as to comply with all requirements of the United States Constitution and applicable federal laws, including, but not limited to, the Voting Rights Act of 1965 (as amended). Notwithstanding any other provision of this Article, districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or diminishing their ability to elect representatives of their choice, whether by themselves or by voting in concert with other persons.

Districts shall be designed in a manner that achieves both partisan fairness and, secondarily, competitiveness. “**Partisan fairness**” means that parties shall be able to translate their popular support into legislative representation with approximately equal efficiency. “**Competitiveness**” means that parties' legislative representation shall be substantially and similarly responsive to shifts in the electorate's preferences.

To this end, the nonpartisan state demographer shall calculate the average electoral performance of the two parties receiving the most votes in the three preceding elections for governor, for United States Senate, and for President of the United States. This index shall be defined as the total votes received by each party in the three preceding elections for governor, for United States Senate, and for President of the United States, divided by the total votes cast for both parties in these elections. Using this index, the nonpartisan state demographer shall calculate the total number of wasted votes for each party, summing across all of the districts in the plan. “Wasted votes” are votes cast for a losing candidate or for a winning candidate in excess of the fifty percent threshold needed for victory. In any plan of apportionment and map of the proposed districts submitted to the respective apportionment commission, the nonpartisan state demographer shall ensure the difference between the two parties' total wasted votes, divided by the total votes cast for the two parties, is as close to zero as practicable.

To promote competitiveness, the nonpartisan state demographer shall use the electoral performance index to simulate elections in which the hypothetical statewide vote shifts by one percent, two percent, three percent, four percent, and five percent in favor of each party. The vote in each individual district shall be assumed to shift by the same amount as the statewide vote. The nonpartisan state demographer shall ensure that, in each of these simulated elections, the difference between the two parties' total wasted votes, divided by the total votes cast for the two parties, is as close to zero as practicable;

c. Subject to the requirements of paragraphs a. and b. of this subdivision, districts shall be composed of contiguous territory. Areas which meet only at the points of adjoining corners are not contiguous;

d. To the extent consistent with paragraphs a. to c. of this subdivision, district boundaries shall coincide with the boundaries of political subdivisions of the state. The number of counties and cities divided among more than one district shall be as small as possible. When there is a choice between dividing local political subdivisions, the more populous subdivisions shall be divided before the less populous, but this preference shall not apply to a legislative district boundary drawn along a county line which passes through a city that lies in more than one county;

e. Preference shall be that districts are compact in form, but the standards established by paragraphs a. to d. of this subdivision take precedence over compactness where a conflict arises between compactness and these standards. In general, compact districts are those which are square, rectangular, or hexagonal in shape to the extent permitted by natural or political boundaries.

(2) Within sixty days after 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, within sixty days 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 from any one state legislative district. The congressional committees shall each submit to the governor their list of elected nominees. Within thirty days the governor shall appoint a commission consisting of one name from each list to reapportion the state into one hundred and sixty-three representative districts and to establish the numbers and boundaries of said districts.

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

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

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

(3) Within six months after 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, within six months after such a ruling has been made, the nonpartisan state demographer shall make public and file with the secretary of state and with the house apportionment commission a tentative plan of apportionment and map of the proposed districts, as well as all demographic and partisan data used in the creation of the plan and map.

The commissioners so selected shall, within ten days of receiving the tentative plan of apportionment and map of the proposed districts, meet in the capitol building and proceed to organize by electing from their number a chairman, vice chairman and secretary. The commission shall adopt an agenda establishing at least three hearing dates on which hearings open to the public shall be held to hear objections or testimony from interested persons. A copy of the agenda shall be filed with the clerk of the house of representatives within twenty-four hours after its adoption. Executive meetings may be scheduled and held as often as the commission deems advisable.

The commission may make changes to the tentative plan of apportionment and map of the proposed districts received from the nonpartisan state demographer provided that such changes are consistent with this section and approved by a vote of at least seven-tenths of the commissioners. If no changes are made or approved as provided for in this subsection, the tentative plan of apportionment and map of proposed districts shall become final. Not later than two months of receiving the tentative plan of apportionment and map of the proposed districts, the commission shall file with the secretary of state a final statement of the numbers and the boundaries of the districts together with a map of the districts.

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

No reapportionment shall be subject to the referendum.

Credits

(Amendments adopted at special election Jan. 14, 1966; general election Nov. 2, 1982. Recodification and amendment from Art. III, § 2 adopted at general election Nov. 6, 2018, Amendment 1, Initiative Petition, eff. Dec. 6, 2018.)

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI

BARBARA PIPPENS, et al.

Plaintiffs,

v.

JOHN R. ASHCROFT, in his official capacity as
Missouri Secretary of State, et al.

Defendants.

Case No. 20AC-CC00206

JOINT STIPULATION OF FACTS AND EXHIBITS

The parties stipulate to the following facts and exhibits, reserving objections to relevance only.

1. Plaintiff Barbara Pippens is a citizen of the state of Missouri.
2. Plaintiff John Bohney is a citizen of the state of Missouri.
3. Plaintiff Cheryl Hibbeler is a citizen of the state of Missouri.
4. Plaintiff Rebecca Shaw is a citizen of the state of Missouri.
5. Plaintiff Bob Minor is a citizen of the state of Missouri.
6. Plaintiff James Harmon is a citizen of the state of Missouri.
7. Plaintiff Gene Davison is a citizen of the state of Missouri.
8. Plaintiff Pat McBride is a citizen of the state of Missouri.
9. Defendant John (Jay) R. Ashcroft is the duly elected and acting Secretary of State of Missouri.
10. Defendant Dave Schatz is State Senator for Missouri's 26th Senate District and serves as the current President Pro Tem of the Missouri State Senate.

11. Defendant Elijah Haahr is State Representative for Missouri's 134th House of Representatives District and serves as the current Speaker of the House.

12. Defendant Daniel Hegeman is State Senator for Missouri's 12th Senate District and sponsored Senate Joint Resolution 38 ("SJR 38").

13. The office of the Missouri Secretary of State is located in Cole County, Missouri, where Secretary Ashcroft principally performs his official duties.

14. In the 2020 session of the General Assembly, Senator Daniel Hegeman sponsored a senate joint resolution, SJR 38, proposing an amendment to the Missouri Constitution.

15. A true and correct copy of the introduced version of SJR 38 is attached as **Joint Exhibit A**.

16. On May 10, 2020, the Missouri State Senate voted to approve SJR 38 and sent it to the Missouri House of Representatives for final approval and passage.

17. On May 13, 2020, the Missouri House of Representatives truly agreed to and finally passed SJR 38.

18. A true and correct copy of the senate research staff summary of the truly agreed to and finally passed version of SJR 38 is attached as **Joint Exhibit B**.

19. A true and correct copy of the truly agreed to and finally passed version of SJR 38 is attached as **Joint Exhibit C**.

20. The summary statement prepared and approved by the General Assembly for SJR 38 is:

"Shall the Missouri Constitution be amended to:

- Ban all lobbyist gifts to legislators and their employees;
- Reduce legislative campaign contribution limits; and

- Create citizen-led independent bipartisan commissions to draw state legislative districts based on one person, one vote, minority voter protection, compactness, competitiveness, fairness and other criteria.”

21. Pursuant to Section 116.175, RSMo, Missouri State Auditor Nicole Galloway prepared a fiscal note and fiscal note summary for SJR 38.

22. A true and correct copy of the Auditor’s fiscal note and fiscal note summary for SJR 38 is attached as **Joint Exhibit D**.

23. On June 29, 2020, Secretary Ashcroft certified the official ballot title for SJR 38, which contains the Auditor’s fiscal note summary and the General Assembly’s summary statement.

24. A true and correct copy of the certified official ballot title is attached as **Joint Exhibit E**.

25. On June 26, 2020, Secretary Ashcroft prepared a fair ballot language statement for SJR 38.

26. A true and correct copy of the fair ballot language statement is attached as **Joint Exhibit F**.

Respectfully submitted,

STINSON LLP

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*Counsel for Defendants Missouri
Secretary of State John R. Ashcroft,
President Pro Tempore of the Senate
Dave Schatz, and Speaker of the House
of Representatives Elijah Haahr, and
Senator Daniel Hegeman*

CERTIFICATE OF SERVICE

I hereby certify that on August 4, 2020, the foregoing was filed with the Clerk of the Court using the CM/ECF System which shall send electronic notification to all parties.

/s/ Charles W. Hatfield
Attorney for Defendant