

1 *Senate* BILL NO. *228*
 2 INTRODUCED BY *Manning* *John* *Don* *Edhem*
 3 *Manly* *Mathew*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBMIT TO THE
 5 QUALIFIED ELECTORS OF THE STATE OF MONTANA AN AMENDMENT TO
 6 ARTICLE V, SECTION 14 OF THE MONTANA CONSTITUTION TO ABOLISH
 7 THE REAPPORTIONMENT COMMISSION AND TO DIRECT THE LEGISLATURE
 8 TO REAPPORTION ITSELF AFTER EACH FEDERAL CENSUS."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Article V, section 14, of the Montana
 12 constitution is amended to read as follows:

13 *97-514. Sec. 14. Districting and apportionment.

14 (1) The state shall be divided into as many districts as
 15 there are members of the house, and each district shall
 16 elect one representative. Each senate district shall be
 17 composed of two adjoining house districts, and shall elect
 18 one senator. Each district shall consist of compact and
 19 contiguous territory. All districts shall be as nearly equal
 20 in population as is practicable.

21 (2) In the legislative session following ratification
 22 of this constitution and thereafter in each session
 23 preceding each federal population census, a commission of
 24 five citizens, none of whom may be public officials, shall
 25 be selected to prepare a plan for redistricting and

1 reapportioning the state into legislative and congressional
 2 districts. The majority and minority leaders of each house
 3 shall each designate one commissioner within 20 days after
 4 their designation. The four commissioners shall select the
 5 fifth member who shall serve as chairman of the commission.
 6 If the four members fail to select the fifth member within
 7 the time prescribed, a majority of the supreme court shall
 8 select him.

9 (3) The commission shall submit its plan to the
 10 legislature at the first regular session after its
 11 appointment or after the census figures are available.
 12 Within 30 days after submission, the legislature shall
 13 return the plan to the commission with its recommendations.
 14 Within 30 days thereafter, the commission shall file its
 15 final plan with the secretary of state and it shall become
 16 law. The commission is then dissolved the legislature shall
 17 reapportion itself."

18 Section 2. Submission to electorate. This amendment
 19 shall be submitted to the electors of the state of Montana
 20 at the general election to be held November 7, 1978, by
 21 printing on the ballot the full title, section 1 of this
 22 act, and the following:

- 23 FOR abolishing the reapportionment commission.
- 24 AGAINST abolishing the reapportionment commission.

-End-

SB 228

STATE OF MONTANA

REQUEST NO. 539-77

FISCAL NOTE

Form BD-15

In compliance with a written request received February 18, 19 77, there is hereby submitted a Fiscal Note for SB 238 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

SB 238 is an act to submit a constitutional amendment to abolish the Reapportionment Commission and to direct the Legislature to reapportion itself after each federal census.

ASSUMPTIONS:

1. Present law requires the appointment of a commission by the 1979 Legislature.
2. The commission would begin work in 1981.

FISCAL IMPACT:

If a reapportionment commission operates in FY1980-81, holds 10 meetings, uses approximately one-half year of staff time, and publishes a report, the cost could be about \$21,000. If all work were done by the legislature in session, the cost could not be easily identified. If interim legislative work were required, the cost would be comparable or higher depending upon the number of legislators and meetings involved.

TECHNICAL NOTE:

The proposed amendment contemplates the legislature reapportioning itself in the 1981 session. Because the special reapportionment census data will not be available prior to April 1, 1981, it is unlikely the task could be accomplished during that session. It is unclear whether waiting until the 1983 session (assuming biennial sessions) would meet the proposed requirements.

Richard S. Denny for
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-21-77

Approved by Committee
on State Administration

SENATE BILL NO. 238

INTRODUCED BY MANNING, GALT,

GRAHAM, MANLEY, MATHERS, DOVER

A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF THE STATE OF MONTANA AN AMENDMENT TO ARTICLE V, SECTION 14 OF THE MONTANA CONSTITUTION TO ABOLISH THE REAPPORTIONMENT COMMISSION AND TO DIRECT THE LEGISLATURE TO REAPPORTION ITSELF AND THE CONGRESSIONAL DISTRICTS AFTER EACH FEDERAL CENSUS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Article V, section 14, of the Montana constitution is amended to read as follows:

"97-514. Sec. 14. Districting and apportionment.

(1) The state shall be divided into as many districts as there are members of the house, and each district shall elect one representative. Each senate district shall be composed of two adjoining house districts, and shall elect one senator. Each district shall consist of compact and continuous territory. All districts shall be as nearly equal in population as is practicable.

(2) In the legislative session following ~~ratification of this constitution and thereafter in each session~~ preceding each federal population census, a ~~commission~~ of

~~five citizens, none of whom may be public officials, shall be selected to prepare a plan for redistricting and reapportioning the state into legislative and congressional districts. The majority and minority leaders of each house shall each designate one commissioner. Within 20 days after their designation, the four commissioners shall select the fifth member who shall serve as chairman of the commission. If the four members fail to select the fifth member within the time prescribed, a majority of the supreme court shall select him.~~

~~(3) The commission shall submit its plan to the legislature at the first regular session after its appointment or after the census figures are available within 30 days after submission, the legislature shall return the plan to the commission with its recommendations. Within 30 days thereafter, the commission shall file its final plan with the secretary of state and it shall become law. The commission is then dissolved. the legislature shall reapportion itself AND THE CONGRESSIONAL DISTRICTS."~~

Section 2. Submission to electorate. This amendment shall be submitted to the electors of the state of Montana at the general election to be held November 7, 1978, by printing on the ballot the full title, section 1 of this act, and the following:

HR abolishing the reapportionment commission.

SA 0238/02

1 AGAINST abolishing the reapportionment commission.

-End-

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FOR abolishing the reapportionment commission.

SB 0238/02

1 **AGAINST abolishing the reapportionment commission.**

-End-

HOUSE OF REPRESENTATIVES

March 19, 1977

HOUSE STATE ADMINISTRATION COMMITTEE AMENDMENT TO SENATE BILL No. 238

1. Amend page 2, section 2, line 23.

Following: "title"

Strike: ", section 1 of this act,"

AS AMENDED BE CONCURRED IN